



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

ALEC MESSINA, DIRECTOR

217/785-1705

"REVISED"

CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT AND TITLE I PERMIT

PERMITTEE

Kincaid Generation, LLC
Attn: Rick Diericx
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Application No.: 95090078

I.D. No.: 021814AAB

Operation of: Kincaid Power Station

Original Date Received: September 07, 1995

Original Date Issued: September 29, 2005

Initial Effective Date: February 05, 2015

Expiration Date¹: February 05, 2020

Source Location: Four Miles West of Kincaid on Route 104 (Christian County)

Responsible Official: James Klenke, Managing Director Plant Operations

Permit Authorization:

This permit is hereby granted to the above-designated Permittee for operation of the above-referenced source. This permit is subject to the terms and conditions contained herein.

Type of Permit Revision: Reopening for Cause

Date Revised Permit Issued: March 27, 2017

This permit authorization has been provided for the revisions to this CAAPP permit, as further described in the statement of basis that accompanied the draft of this revised permit, that have been made by the procedures for "reopening of CAAPP permits for cause" at Section 39.5(15)(a) and (c) of the Illinois Environmental Protection Act. These revisions make changes to the CAAPP permit to address new applicable requirements for emission units covered by the permit, which requirements have become applicable to these units since the issuance of the initial CAAPP permit. As a consequence of at least one such additional requirement, a term from an underlying construction permit is being revised (i.e. T1R) through this CAAPP permit action. In addition, certain requirements that are no longer applicable to these units have been removed from the permit.

Please note that this CAAPP permit has been revised by multiple processes under the CAAPP, each with different legal authority, procedures and standards for issuance. Because of the interplay of the various revisions, a single revised permit has been prepared. Separate permit authorizations are provided for other revisions to this permit, which were made by other processes under the CAAPP.

If you have any questions concerning this permit, please contact the CAAPP Unit at 217/785-1705 (217/782-9143 TDD).

Raymond E. Pilapil
Manager, Permit Section
Division of Air Pollution Control

REP:MTR:DBR:clc

cc: Illinois EPA, FOS, Region 2
USEPA

¹ Except as addressed in Condition 8.7 of this permit.



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Responsible Official: James Klenke, Managing Director Plant Operations

Permit Authorization:

This permit is hereby granted to the above-designated Permittee for operation of the above-referenced source. This permit is subject to the terms and conditions contained herein.

Type of Permit Revision: Significant Modification

Date Revised Permit Issued: March 27, 2017

This permit authorization has been provided for the revisions to the CAAPP permit, as further described in the statement of basis that accompanied the draft of this revised permit, that have been made by the procedures for significant modifications to CAAPP permits at Section 39.5(14)(c) of the Illinois Environmental Protection Act. These revisions include other changes to this CAAPP permit that would not have been proper to address in the reopening and that do not meet the criteria in the Act for minor modifications and administrative amendments of CAAPP permits.

Please note that this CAAPP permit has been revised by multiple processes under the CAAPP, each with different legal authority, procedures and standards for issuance. Because of the interplay of the various revisions, a single revised permit has been prepared. Separate permit authorizations are provided for other revisions to this permit, which were made by other processes under the CAAPP.

If you have any questions concerning this permit, please contact the CAAPP Unit at 217/785-1705 (217/782-9143 TDD).

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CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT

PERMITTEE

Kincaid Generation, LLC
Attn: Rick Diericx
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Application No.: 95090078

I.D. No.: 021814AAB

Operation of: Kincaid Power Station

Original Date Received: September 07, 1995

Original Date Issued: September 29, 2005

Initial Effective Date: February 05, 2015

Expiration Date¹: February 05, 2020

Source Location: Four Miles West of Kincaid on Route 104 (Christian County)

Responsible Official: James Klenke, Managing Director Plant Operations

Permit Authorization:

This permit is hereby granted to the above-designated Permittee for operation of the above-referenced source. This permit is subject to the terms and conditions contained herein.

Type of Permit Revision: Minor Modification

Date Revised Permit Issued: March 27, 2017

This permit authorization has been provided for these revisions of the CAAPP permit that have been made by the procedures for minor modifications of CAAPP permits at Section 39.5(14)(a)(i) of the Illinois Environmental Protection Act. These revisions involve changes to the existing requirements of this CAAPP permit that were not significant but were not appropriate to be addressed as part of the reopening of this permit or as administrative amendments of this permit.

Please note that this CAAPP permit has been revised by multiple processes under the CAAPP, each with different legal authority, procedures and standards for issuance. Because of the interplay of the various revisions, a single revised permit has been prepared. Separate permit authorizations are provided for other revisions to this permit, which were made by other processes under the CAAPP.

If you have any questions concerning this permit, please contact the CAAPP Unit at 217/785-1705 (217/782-9143 TDD).

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Source Location: Four Miles West of Kincaid on Route 104 (Christian County)

Responsible Official: James Klenke, Managing Director Plant Operations

Permit Authorization:

This permit is hereby granted to the above-designated Permittee for operation of the above-referenced source. This permit is subject to the terms and conditions contained herein.

Type of Permit Revision: Administrative Amendment

Date Revised Permit Issued: March 27, 2017

This permit authorization has been provided for the revisions of the CAAPP permit that have been made by the procedures for administrative amendments of CAAPP permits at Section 39.5(13) of the Illinois Environmental Protection Act. These changes involve typographical corrections and minor administrative changes. The revised federal Acid Rain Program Permit, which was issued by the Illinois EPA for this source in another permit action, has also been included in this revised CAAPP permit as Attachment 5.

Please note that this CAAPP permit has been revised by multiple processes under the CAAPP, each with different legal authority, procedures and standards for issuance. Because of the interplay of the various revisions, a single revised permit has been prepared. Separate permit authorizations are provided for other revisions to this permit, which were made by other processes under the CAAPP.

If you have any questions concerning this permit, please contact the CAAPP Unit at 217/785-1705 (217/782-9143 TDD).

Raymond E. Pilapil
Manager, Permit Section
Division of Air Pollution Control

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1.0 INTRODUCTION

1.1 Source Identification

Kincaid Power Station
4 Miles West of Kincaid on Route 104
Kincaid, Illinois 62540
217/237-4311 Ext. 2291

I.D. No.: 021814AAB
Acid Rain Permit ORIS Code No.: 876

Standard Industrial Classification: 4911, Electrical Services

1.2 Owner/Parent Company

Kincaid Generation, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

1.3 Operator

Kincaid Energy Services Company, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234

Rick Diericx
618/343-7761

1.4 General Source Description

The Permittee, Kincaid Generation, LLC (operating through its affiliate Kincaid Energy Services Company, LLC) operates two coal-fired boilers to produce electricity.

1.5 Title I Conditions

This CAAPP permit contains certain conditions for units at this source that address the applicability of permitting programs for the construction and modification of sources, which programs were established pursuant to Title I of the Clean Air Act (CAA) and regulations thereunder. These programs include 40 CFR 52.21, Prevention of Significant Deterioration (PSD) and 35 IAC Part 203, Major Stationary Sources Construction and Modification (MSSCAM), and are implemented by the Illinois EPA pursuant to Sections 9, 9.1, 39(a) and 39.5(7)(a) of Illinois' Environmental Protection Act (Act). These "Title I conditions" within this permit are specifically designated as "T1", if they reflect requirements established in construction permits issued for this source, "T1R" if they revise requirements established in such construction permits, or "T1N" if they are newly established in this CAAPP permit. These conditions continue in effect,

Section 1.0 - Introduction

notwithstanding the expiration date specified on the first page of this permit, as their authority derives from Titles I and V of the CAA, as well as Titles II and X of the Act. (See also Condition 8.7.)

Section 2.0 - List of Abbreviations and Acronyms

2.0 LIST OF ABBREVIATIONS AND ACRONYMS USED IN THIS PERMIT

acfm	actual cubic feet per minute
ACI	Activated Carbon Injection
Act	Illinois Environmental Protection Act [415 ILCS 5/1 et seq.]
AP-42	Compilation of Air Pollutant Emission Factors, Volume 1, Stationary Point and Other Sources (and Supplements A through F), USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711
BART	Best Available Retrofit Technology
Btu	British thermal unit
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAAPP	Clean Air Act Permit Program
CAIR	Clean Air Interstate Rule
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System(s)
CO	Carbon Monoxide
CSAPR	Cross-State Air Pollution Rule
dcfm	dry cubic feet per minute
DSI	Dry Sorbent Injection
EGU	Electrical Generating Unit(s)
ESP	Electrostatic Precipitator
°F	degrees Fahrenheit
FGC	Flue Gas Conditioning
FGD	Flue Gas Desulfurization
ft	foot
ft ³	cubic foot
Gal	Gallon
GWh	Gigawatt hour (1.0E+3 MWh)
HAP	Hazardous Air Pollutant
HP	horsepower
hr	Hour
IAC	Illinois Administrative Code
I.D. No.	Identification Number of Source, assigned by Illinois EPA
ILCS	Illinois Compiled Statutes
Illinois EPA	Illinois Environmental Protection Agency
°K	degrees Kelvin
Kg	kilogram
kW	Kilowatts
lb	Pound
LNB	Low NOx Burners
m	meter
MACT	Maximum Achievable Control Technology
MATS	Mercury and Air Toxics Standard - 40 CFR 63 Subpart UUUUU
mmBtu	million British thermal units
MW	Megawatts
MWh	Megawatt hour

Section 2.0 - List of Abbreviations and Acronyms

NESHAP	National Emission Standards for Hazardous Air Pollutants
NOx	Nitrogen Oxides
NSPS	New Source Performance Standards (40 CFR Part 60)
NSSA	New Source Set-Aside
ORIS	Office of Regulatory Information System
OFA	Over-Fire Air
OM	organic material
PM	Particulate Matter
PM CPMS	Particulate Matter Continuous Parametric Monitoring System
PM _{2.5}	Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns as measured by applicable test or monitoring methods
PM ₁₀	Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by applicable test or monitoring methods
ppm	parts per million
PSD	Prevention of Significant Deterioration (40 CFR 52.21)
psia	pounds per square inch absolute
RATA	Relative Accuracy Test Audit
RMP	Risk Management Plan
SCR	Selective Catalytic Reduction
SO ₂	Sulfur Dioxide
T	ton (2000 pounds)
TBtu	1.0E+12 British thermal units
TR	Transport Rule
T1	Title I - identifies Title I conditions that have been carried over from an existing permit
T1N	Title I New - identifies Title I conditions that are being established in this permit
T1R	Title I Revised - identifies Title I conditions that have been carried over from an existing permit and subsequently revised in this permit
USEPA	United States Environmental Protection Agency
VOC or VOM	volatile organic compounds or volatile organic material
VOL	volatile organic liquid
yr	year

Section 3.0 - Conditions for Insignificant Activities

3.0 CONDITIONS FOR INSIGNIFICANT ACTIVITIES

3.1 Identification of Insignificant Activities

The following activities at the source constitute insignificant activities as specified in 35 IAC 201.210:

- 3.1.1 Activities determined by the Illinois EPA to be insignificant activities, pursuant to 35 IAC 201.210(a)(1) and 201.211, as follows:

None

- 3.1.2 Activities that are insignificant activities based upon maximum emissions, pursuant to 35 IAC 201.210(a)(2) or (a)(3), as follows:

Sulfuric Acid Storage Tanks
Ammonium Hydroxide Storage Tank
Two Anhydrous Ammonia Storage Tanks
Sodium Hypochlorite Storage Tank(s)
Diesel Fuel Unloading
CyClean Fuel Additives System Test Facility
ACI Silo with Bin Vent

- 3.1.3 Activities that are insignificant activities based upon their type or character, pursuant to 35 IAC 201.210(a)(4) through (18), as follows:

Direct combustion units designed and used for comfort heating purposes and fuel combustion emission units as follows: (A) Units with a rated heat input capacity of less than 2.5 mmBtu/hr that fire only natural gas, propane, or liquefied petroleum gas; (B) Units with a rated heat input capacity of less than 1.0 mmBtu/hr that fire only oil or oil in combination with only natural gas, propane, or liquefied petroleum gas; and (C) Units with a rated heat input capacity of less than 200,000 Btu/hr which never burn refuse, or treated or chemically contaminated wood [35 IAC 201.210(a)(4)].

Equipment used for filling drums, pails, or other packaging containers, excluding aerosol cans, with soaps, detergents, surfactants, lubricating oils, waxes, vegetable oils, greases, animal fats, glycerin, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions [35 IAC 201.210(a)(8)].

Section 3.0 - Conditions for Insignificant Activities

Storage tanks of any size containing virgin or re-refined distillate oil, hydrocarbon condensate from natural gas pipeline or storage systems, lubricating oil, or residual fuel oils [35 IAC 201.210(a)(11)].

Gas turbines and stationary reciprocating internal combustion engines of between 112 kW and 1,118 kW (150 and 1,500 horsepower) power output that are emergency or standby units [35 IAC 201.210(a)(16)].

Storage tanks of any size containing exclusively soaps, detergents, surfactants, glycerin, waxes, vegetable oils, greases, animal fats, sweeteners, corn syrup, aqueous salt solutions, or aqueous caustic solutions, provided an organic solvent has not been mixed with such materials [35 IAC 201.210(a)(17)].

- 3.1.4 Activities that are considered insignificant activities pursuant to 35 IAC 201.210(b).

Note: The heating of a coal-fired boiler with auxiliary fuel during maintenance and repair of the boiler is considered an insignificant activity under 35 IAC 201.210(b)(29) and is generally not addressed by the unit-specific conditions of this permit for coal fired boilers. Notwithstanding such status as an insignificant activity, the opacity of the exhaust from each coal fired boiler is at all times subject to the applicable opacity standard and the unit-specific conditions of this permit for boilers that relate to opacity are applicable during maintenance and repair of a boiler.

3.2 Compliance with Applicable Requirements

Insignificant activities are subject to applicable requirements notwithstanding status as insignificant activities. In particular, in addition to regulations of general applicability, such as 35 IAC 212.301 and 212.123 (Condition 5.2.2), the Permittee shall comply with the following requirements, as applicable:

- 3.2.1 For each cold cleaning degreaser, the Permittee shall comply with the applicable equipment and operating requirements of 35 IAC 215.182.
- 3.2.2 For each particulate matter process emission unit, other than units excluded by 35 IAC 212.323 or 212.681, the Permittee shall comply with the applicable particulate matter emission limit of 35 IAC 212.321 or 212.322. For example, the particulate matter emissions from a process

Section 3.0 - Conditions for Insignificant Activities

emission unit shall not exceed 0.55 pounds per hour if the emission unit's process weight rate is 100 pounds per hour or less, pursuant to 35 IAC 266.110.

- 3.2.3 For each organic material emission unit that uses organic material, e.g., a mixer or printing line, the Permittee shall comply with the applicable VOM emission limit of 35 IAC 215.301, which requires that organic material emissions not exceed 8.0 pounds per hour or do not qualify as photochemically reactive material as defined in 35 IAC 211.4690.

3.3 Addition of Insignificant Activities

- 3.3.1 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type that is identified in Condition 3.1, until the renewal application for this permit is submitted, pursuant to 35 IAC 201.212(a).
- 3.3.2 The Permittee must notify the Illinois EPA of any proposed addition of a new insignificant activity of a type addressed by 35 IAC 201.210(a) and 201.211 other than those identified in Condition 3.1, pursuant to Section 39.5(12)(b) of the Act.
- 3.3.3 The Permittee is not required to notify the Illinois EPA of additional insignificant activities present at the source of a type identified in 35 IAC 201.210(b).

4.0 EMISSION UNITS AT THIS SOURCE

Emission Unit	Description	Emission Control Equipment/Measures	Ref*
Insignificant Activities			3.0
Boiler 1 BLR-1	Babcock and Wilcox Boiler	OFA, SCR, ESP, DSI and ACI	7.1
Boiler 2 BLR-2	Babcock and Wilcox Boiler	OFA, SCR, ESP, DSI and ACI	
Coal Handling Equipment	Coal Transfer and Storage Operations	Enclosures and Covers, Dust Suppression, and Dust Collection Devices	7.2
Coal Processing Equipment	Coal Crushing Operation	Enclosures, Dust Suppression, and Dust Collection Device	7.3
Fly Ash Handling Equipment	Pneumatic Transfer System, Silos w/ Bin Vents, and Loadout Operation	Enclosures	7.4
Auxiliary Boiler BLR3	Natural Gas-Fired Boiler	None	7.5
Tank TK2	Gasoline Storage Tank	None	7.6
Dry Sorbent Handling Facility	Sorbent Material (such as Trona or sodium bicarbonate) Processing and Handling Equipment	Filters, Enclosures and Covers	7.7
Note: The information and descriptions contained in this table are for informational purposes only and imply no limits or constraints.			

* Reference to the Unit Specific Conditions in Section 7 or Insignificant Activities in Section 3 of this permit.

5.0 OVERALL SOURCE CONDITIONS

5.1 Applicability of Clean Air Act Permit Program (CAAPP)

- 5.1.1 This permit is issued based on the source requiring a CAAPP permit as a major source of SO₂, CO, NO_x, VOM, PM, and HAP emissions.
- 5.1.2 This permit is issued based on the source requiring a CAAPP permit as an "affected source" for the purposes of Acid Deposition Control, Title IV of the Clean Air Act.
- 5.1.3 The source is considered a single source with Pawnee Transloading Company, Inc., I.D. No. 021814AAF, located at Route 104, 3 miles east of Pawnee, IL.

5.2 Applicable Regulations

- 5.2.1 Specific emission units at this source are subject to particular regulations as set forth in Section 7 (Unit-Specific Conditions) of this permit.
- 5.2.2 In addition, emission units at this source are subject to the following regulations of general applicability. Appropriate compliance procedures addressing these regulations are set forth for specific emission units in Section 7 of this permit:
 - a. i. No person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith (i.e., overhead) at a point beyond the property line of the source unless the wind speed is greater than 40.2 kilometers per hour (25 miles per hour), pursuant to 35 IAC 212.301 and 212.314.
 - ii. The Permittee shall conduct observations at the property line of the source for visible emissions of fugitive particulate matter from the source to address compliance with 35 IAC 212.301, upon request by the Illinois EPA, as follows: For this purpose, daily observations shall be conducted for a week for particular area(s) of concern at the source, as specified in the request. Observations shall begin either within one day or three days of receipt of a written request from the Illinois EPA, depending, respectively, upon whether observations will be conducted by employees of the Permittee or a third-party observer hired

Section 5.0 - Overall Source Conditions

by the Permittee to conduct observations on its behalf. The Permittee shall keep records for these observations, including identity of the observer, the date and time of observations, the location(s) from which observations were made, and duration of any fugitive emissions event(s).

- b. No person shall cause or allow the emission of smoke or other particulate matter, with an opacity greater than 30 percent, into the atmosphere from any emission unit other than those emission units subject to the requirements of 35 IAC 212.122, pursuant to 35 IAC 212.123(a), except as allowed by 35 IAC 212.123(b) or 212.124.

5.2.3 Ozone Depleting Substances

The Permittee shall comply with the standards for recycling and emissions reduction of ozone depleting substances pursuant to 40 CFR Part 82, Subpart F, including the following:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be appropriately certified by an approved technician certification program pursuant to 40 CFR 82.161.

5.2.4 Risk Management Plan (RMP)

- a. This stationary source, as defined in 40 CFR 68.3, is subject to 40 CFR Part 68, the federal regulations for Chemical Accident Prevention. This condition is imposed in this permit pursuant to 40 CFR 68.215(a)(1).
- b. The Permittee shall revise and update the RMP submitted pursuant to 40 CFR 68.150, as specified in 40 CFR 68.190.

5.2.5 Future Emission Standards

Section 5.0 - Overall Source Conditions

- a. Should this source become subject to a regulation under 40 CFR Parts 60, 61, or 63, or 35 IAC Subtitle B after the date issued of this permit, the Permittee shall, in accordance with the applicable regulation(s), comply with the applicable requirements by the date(s) specified and shall certify compliance or otherwise demonstrate initial compliance as provided by such regulation. Following the submittal of such a compliance certification or initial compliance demonstration, the Permittee shall address the applicable requirements of such regulation as part of the annual compliance certification required by Condition 9.8.

Note: This permit may also have to be revised or reopened to address such newly applicable regulations, as provided by Section 39.5(15) (a) of the Act. (See Condition 9.12.2.)

- b. This permit and the terms and conditions herein do not affect the Permittee's past and/or continuing obligation with respect to statutory or regulatory requirements governing major source construction or modification under Title I of the CAA. Further, neither the issuance of this permit nor any of the terms or conditions of the permit shall alter or affect the liability of the Permittee for any violation of applicable requirements prior to or at the time of permit issuance.

5.2.6 Episode Action Plan

- a. Pursuant to 35 IAC 244.141, the Permittee shall have on file with the Illinois EPA an approved Episode Action Plan for reducing the levels of emissions during yellow alerts, red alerts, and emergencies, consistent with safe operating procedures. The Episode Action Plan shall contain the information specified in 35 IAC 244.144.
- b. Pursuant to 415 ILCS 5/39.5(7) (a), the Episode Action Plan, as submitted by the Permittee on November 16, 2015, is incorporated herein by reference. Any revision to the plan submitted to Illinois EPA while this permit is in effect is automatically incorporated by reference, provided the revision is not expressly disapproved, in writing, by the Illinois EPA within 30 days of receipt of the revision. Upon such automatic incorporation, the revised plan replaces the version of the plan previously incorporated by reference.

Section 5.0 - Overall Source Conditions

- c. The plan incorporated by reference into this permit constitutes the approved Episode Action Plan required by 35 IAC 244.141, addressing the actions that will be implemented to reduce SO₂, PM₁₀, NO₂, CO and VOM emissions from various emissions units at the source in the event of a yellow alert, red alert or emergency issued under 35 IAC 244.161 through 244.165.
- d. Pursuant to 35 IAC 244.169, or as may otherwise be required under 35 IAC 244, Appendix D, the Permittee shall immediately implement the appropriate steps described in the approved Episode Action Plan upon receiving notice from the Illinois EPA.
- e. Pursuant to 35 IAC 244.143(d), if an operational change occurs at the source which invalidates the approved Episode Action Plan, a revised Episode Action Plan shall be submitted to the Illinois EPA for review and approval within 30 days of the change.
- f. Pursuant to Section 35 IAC 244.145(b), in the event that the Illinois EPA notifies the Permittee of a deficiency with any Episode Action Plan submitted pursuant to 35 IAC Part 244, the Permittee shall be required to revise and resubmit the Episode Action Plan within 30 days of receipt of notification to address the deficiency.
- g. Pursuant to Section 39.5(7)(b) and (e) of the Act, the Permittee shall keep a copy of the approved Episode Action Plan along with a record of activities completed according to the Episode Action Plan.

5.2.7 Control Measures Record

- a.
 - i. The Control Measures Record, as submitted by the Permittee on February 6, 2017, is incorporated herein by reference and constitutes the Control Measures Record required by Conditions 7.2.9(b), 7.3.9(b), and 7.4.9(b).
 - ii. Any revised version of the Control Measures Record prepared by the Permittee and submitted to Illinois EPA while this permit term is in effect is automatically incorporated by reference into this permit, except as provided in 5.2.7(a)(iii). Upon such automatic

Section 5.0 - Overall Source Conditions

incorporation, the revised plan replaces the version of the plan previously incorporated by reference.

- iii. For any revisions to the Control Measures Record that relate to Active Coal Pile 1 (A Coal Pile)-wind erosion, Active Coal Pile 2 (B Coal Pile)-wind erosion, Inactive Coal Pile (C Coal Pile)-wind erosion, Radial Boom Stacker, Dry Fly Ash Loadout System #1 Ash Silo or Dry Fly Ash System #2 Ash Silo, the Permittee shall submit an appropriate permit application to incorporate by reference such revisions into the permit.
- iv. In the event that within 30 days of receipt of a revised Control Measures Record the Illinois EPA notifies the Permittee in writing of any deficiency with the revision, then, within 30 days of such notice, the Permittee shall respond with relevant additional information or a further revision to the Control Measures Record.
- b. Pursuant to Section 39.5(7)(b) of the Act, the Permittee shall keep a copy of the Control Measures Record and any amendments or revisions to the Control Measures Record (as required by Conditions 7.2.9, 7.3.9, and 7.4.9).

5.3 Intentionally Blank.

5.4 Intentionally Blank.

5.5 Source-Wide Emission Limitations

5.5.1 Permitted Emissions for Fees

The annual emissions from the source for purposes of "Duties to Pay Fees" of Condition 9.4, not considering insignificant activities as addressed by Section 3, shall not exceed the following limitations. The overall source emissions shall be determined by adding emissions from all emission units on a calendar year basis. The Permittee shall maintain records with supporting calculations of how the annual emissions for fee purposes were calculated. This condition is set solely for the purpose of establishing fees and is not enforceable as a restriction or limit on emissions for any purpose other than the permitted CAAPP fee. Section 39.5(18) of the Act. (State-Only Requirement).

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<i>Pollutant</i>		<i>Tons/Year</i>
Volatile Organic Material	(VOM)	224
Sulfur Dioxide	(SO ₂)	2,848
Particulate Matter	(PM)	974
Nitrogen Oxides	(NO _x)	1,986
HAP, not included in VOM or PM	(HAP)	200
Total		6,232

5.6 General Recordkeeping Requirements

5.6.1 Records for Emissions

The Permittee shall maintain records for the source to prepare its Annual Emission Report pursuant to 35 IAC 254.134.

5.6.2 Retention and Availability of Records

The Permittee shall comply with the following requirements with respect to retention and availability of records pursuant to Sections 4(b) and 39.5(7)(a), (b), (e)(ii), (o)(v), and p(ii)(A) and (B) of the Act.

- a. All records required by this permit shall be retained for at least five years from the date of entry (unless a longer retention period is specified by the particular recordkeeping provision herein), shall be readily accessible to the Permittee, the Illinois EPA and USEPA, and made available for inspection and copying by the Illinois EPA or USEPA upon request.
- b. In response to an Illinois EPA or USEPA request made during the course of an inspection of the source, the Permittee shall retrieve and provide paper copies, or as electronic media, any records required by this permit that are retained in an electronic format (e.g., computer). Such response shall be provided at the time of the inspection; however, if the Permittee believes that the volume and nature of the requested material would make this overly burdensome, material shall be provided no later than 10 days thereafter unless a later date is agreed upon by the Permittee, Illinois EPA, and/or the USEPA.
- c. Upon written request by the Illinois EPA for copies of records or reports required to be kept by this permit, the Permittee shall promptly submit a copy of such material to the Illinois EPA. For this

Section 5.0 - Overall Source Conditions

purpose, material shall be submitted to the Illinois EPA within 30 days unless additional time is provided by the Illinois EPA or the Permittee believes that the volume and nature of requested material would make this overly burdensome, in which case, the Permittee shall respond within 30 days with the explanation and a schedule for submittal of the requested material. (See also Condition 9.12.4.)

5.7 General Reporting Requirements

5.7.1 General Source-Wide Reporting Requirements

The Permittee shall promptly notify the Illinois EPA of deviations of the source with the permit requirements as follows, pursuant to Section 39.5(7)(f)(ii) of the Act. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken.

- a. For emissions units that are addressed by the unit-specific conditions of this permit, the timing for reporting of deviations shall be in accordance with such conditions.
- b.
 - i. For other emissions units and activities at the source, the timing for reporting of deviations shall be in accordance with the provisions of relevant regulations if such provisions address timing of deviation reports.
 - ii. Otherwise, if the relevant regulations do not address timing of deviation reports, deviation reports shall be submitted within 30 days.

5.7.2 Annual Emissions Report

The annual emissions report required pursuant to Condition 9.7 shall contain emissions information for the previous calendar year, as specified by 35 IAC Part 254 [Sections 4(b) and 39.5(7)(a), (b) and (f) of the Act].

Section 6.0 - Conditions for Emissions Control Programs
6.1 Intentionally Blank.

6.0 CONDITIONS FOR EMISSIONS CONTROL PROGRAMS

6.1 Intentionally Blank.

Section 6.0 - Conditions for Emissions Control Programs
6.2 - Acid Rain Program Permit

6.2 Acid Rain Program

6.2.1 Applicability

Under Title IV of the CAA, Acid Deposition Control, this source is an affected source and the following emission units at the source are affected units for acid deposition:

Boiler 1 (BLR-1) and 2 (BLR-2)

Note: Title IV of the CAA, and regulations promulgated thereunder, establish requirements for affected sources related to control of emissions of pollutants that contribute to acid rain. For purposes of this permit, these requirements are referred to as Title IV provisions.

6.2.2 Applicable Emission Requirements

The owners and operators shall not violate applicable Title IV provisions. In particular, NO_x emissions of affected units shall not exceed the limit set by 40 CFR Part 76 as allowed by an Acid Rain Permit. SO₂ emissions of the affected units shall not exceed any allowances that the source lawfully holds under Title IV provisions [Section 39.5(7)(g) and (17)(l) of the Act].

Note: Affected sources must hold SO₂ allowances to account for the SO₂ emissions from affected units at the source that are subject to Title IV provisions. Each allowance is a limited authorization to emit up to one ton of SO₂ emissions during or after a specified calendar year. The possession of allowances does not authorize exceedances of applicable emission standards or violations of ambient air quality standards.

6.2.3 Monitoring, Recordkeeping and Reporting

The owners and operators shall comply with applicable requirements for monitoring, recordkeeping and reporting specified by Title IV provisions, including 40 CFR Part 75 [Sections 39.5(7)(b) and 39.5(17)(m) of the Act].

Note: As further addressed by Section 7 of this permit, the following emission determination methods are currently being used for the affected units at this source.

NO _x :	Continuous Emissions Monitoring (40 CFR 75.12)
SO ₂ :	Continuous Emissions Monitoring (40 CFR 75.11)

Section 6.0 - Conditions for Emissions Control Programs
6.2 - Acid Rain Program Permit

Opacity: Continuous Opacity Monitoring (40 CFR 75.14)

6.2.4 Acid Rain Permit

The owners and operators shall comply with the terms and conditions of the source's Acid Rain permit [Section 39.5(17)(1) of the Act].

Note: The source is subject to an Acid Rain permit, which was issued pursuant to Title IV provisions, including Section 39.5(17) of the Act. Affected sources must be operated in compliance with their Acid Rain permits. This source's Acid Rain permit is incorporated by reference into this permit and a copy of the current Acid Rain permit is included as Attachment 5 of this permit. Revisions and modifications of this Acid Rain permit, including administrative amendments and automatic amendments (pursuant to Sections 408(b) and 403(d) of the CAA or regulations thereunder) are governed by Title IV provisions, as provided by Section 39.5(13)(e) of the Act. Accordingly, revision or renewal of the Acid Rain permit may be handled separately from this CAAPP permit and a copy of the new Acid Rain permit may be included in this permit by administrative amendment.

6.2.5 Coordination with Other Requirements

- a. This permit does not contain any conditions that are intended to interfere with or modify the requirements of Title IV provisions (Section 39.5(17)(h) of the Act). In particular, this permit does not restrict the flexibility under Title IV provisions of the owners and operators of this source to amend their Acid Rain compliance plan [Section 39.5(13)(e) of the Act].
- b. Where another applicable requirement of the CAA is more stringent than an applicable requirement of Title IV provisions, both requirements are incorporated into this permit and are enforceable and the owners and operators shall comply with both requirements [Section 39.5(7)(h) of the Act].

Section 6.0 - Conditions for Emissions Control Programs
6.3 - Cross-State Air Pollution Rule (CSAPR)

6.3 Cross-State Air Pollution Rule (CSAPR)/Transport Rule (TR)
Trading Programs

6.3.1 Applicability

The USEPA issued the Cross State Air Pollution Rule (CSAPR)*, also known as the Transport Rule (TR) in July 2011 to address CAA requirements concerning interstate transport of air pollution and to replace the previous Clean Air Interstate Rule (CAIR). For purposes of CSAPR, this source is a "TR NO_x Annual source," "TR NO_x Ozone Season source," and "TR SO₂ Group 1 source." This following emission units at this source are "TR NO_x Annual units," "TR NO_x Ozone Season units" and "TR SO₂ Group 1 units":

Boiler BLR-1
Boiler BLR-2

* Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011); Federal Implementation Plans for Iowa, Michigan, Missouri, Oklahoma, and Wisconsin and Determination for Kansas Regarding Interstate Transport of Ozone, 76 FR 80760 (December 27, 2011); Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, 77 FR 10324 (February 21, 2012); Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone, 77 FR 34830 (June 12, 2012).

6.3.2 Applicable Emission Requirements

a. TR NO_x Annual Emissions Requirements

i. Pursuant to 40 CFR 97.406(c)(1), beginning January 1, 2015,

A. As of the allowance transfer deadline for a control period in a given year, the owner and operator shall hold, in the source's compliance account, TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.424(a) and 97.406(c)(3) in an amount not less than the tons of total NO_x emissions for such control period from Boiler BLR-1 and Boiler BLR-2.

Section 6.0 - Conditions for Emissions Control Programs
6.3 - Cross-State Air Pollution Rule (CSAPR)

- B. If total NO_x emissions during a control period in a given year from the TR NO_x Annual units at a TR NO_x Annual source are in excess of the TR NO_x Annual emissions limitation set forth in paragraph (a) (i) (A) above, then:
 - I. The owner and operator and each TR NO_x Annual unit at the source shall hold the TR NO_x Annual allowances required for deduction under 40 CFR 97.424(d); and
 - II. The owner and operator and each TR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart AAAAA and the Clean Air Act.
- ii. Beginning January 1, 2017, if total NO_x emissions during a control period in a given year from all TR NO_x Annual units at TR NO_x Annual sources in Illinois exceed the Illinois assurance level, the owner and operator shall comply with the provisions of 40 CFR 97.406(c) (2).
- iii. Compliance periods.
 - A. A TR NO_x Annual unit shall be subject to the requirements under Condition 6.3.2(a) (i) for the control period starting on January 1, 2015, and for each control period thereafter [40 CFR 97.406(c) (3) (i)].
 - B. A TR NO_x Annual unit shall be subject to the requirements under Condition 6.3.2(a) (ii) above for the control period starting on January 1, 2017, and for each control period thereafter [40 CFR 97.406(c) (3) (ii)].
- iv. Vintage of allowances held for compliance.

Section 6.0 - Conditions for Emissions Control Programs
6.3 - Cross-State Air Pollution Rule (CSAPR)

- A. A TR NO_x Annual allowance held for compliance with the requirements under Condition 6.3.2(a)(i)(A) for a control period in a given year must be a TR NO_x Annual allowance that was allocated for such control period or a control period in a prior year [40 CFR 97.406(c)(4)(i)].
- B. A TR NO_x Annual allowance held for compliance with the requirements under Conditions 6.3.2(a)(i)(B) or 6.3.2(a)(ii) for a control period in a given year must be a TR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year [40 CFR 97.406(c)(4)(ii)].
- v. Allowance Management System requirements. Each TR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA [40 CFR 97.406(c)(5)].
- vi. Limited authorization. A TR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - A. Such authorization shall only be used in accordance with the TR NO_x Annual Trading Program [40 CFR 97.406(c)(6)].
- b. TR NO_x Ozone Season Emissions Requirements
 - i. Pursuant to 40 CFR 97.506(c)(1), beginning May 1, 2015,
 - A. As of the allowance transfer deadline for a control period in a given year, the owner and operator shall hold, in the source's compliance account, TR NO_x Ozone Season allowances available for deduction for such control period under 40 CFR 97.524(a) and 97.506(c)(3) in an amount not less than the tons of total NO_x emissions for such control period from Boiler BLR-1 and Boiler BLR-2.

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- B. If total NO_x emissions during a control period in a given year from the TR NO_x Ozone Season units at a TR NO_x Ozone Season source are in excess of the TR NO_x Ozone Season emissions limitation set forth in Condition 6.3.2(b) (i) (A) above, then:
 - I. The owner and operator and each TR NO_x Ozone Season unit at the source shall hold the TR NO_x Annual allowances required for deduction under 40 CFR 97.524(d); and
 - II. The owner and operator and each TR NO_x Ozone Season unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart BBBB and the Clean Air Act.
- ii. Beginning May 1, 2017, if total NO_x emissions during a control period in a given year from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in Illinois exceed the Illinois assurance level, the owner and operator shall comply with the provisions of 40 CFR 97.506(c) (2).
- iii. Compliance periods.
 - A. A TR NO_x Ozone Season unit shall be subject to the requirements under Condition 6.3.2(b) (i) for the control period starting on May 1, 2015, and for each control period thereafter [40 CFR 97.506(c) (3) (i)].
 - B. A TR NO_x Ozone Season unit shall be subject to the requirements under Condition 6.3.2(b) (ii) above for the control period starting on May 1, 2017, and for each control period thereafter [40 CFR 97.506(c) (3) (ii)].

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- iv. Vintage of allowances held for compliance.
 - A. A TR NO_x Ozone Season allowance held for compliance with the requirements under Condition 6.3.2(b) (i) (A) for a control period in a given year must be a TR NO_x Annual allowance that was allocated for such control period or a control period in a prior year [40 CFR 97.506(c) (4) (i)].
 - B. A TR NO_x Ozone Season allowance held for compliance with the requirements under Conditions 6.3.2(b) (i) (B) or 6.3.2(b) (ii) for a control period in a given year must be a TR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year [40 CFR 97.506(c) (4) (ii)].
- v. Allowance Management System requirements. Each TR NO_x Ozone Season allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart BBBB [40 CFR 97.506(c) (5)].
- vi. Limited authorization. A TR NO_x Ozone Season allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:
 - A. Such authorization shall only be used in accordance with the TR NO_x Ozone Season Trading Program [40 CFR 97.506(c) (6)].
- c. TR SO₂ Emissions Requirements
 - i. Pursuant to 40 CFR 97.606(c) (1), beginning January 1, 2015,
 - A. As of the allowance transfer deadline for a control period in a given year, the owner and operator shall hold, in the source's compliance account, TR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) and 97.606(c) (3) in an amount not less than the tons of total SO₂

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emissions for such control period from
Boiler BLR-1 and Boiler BLR-2.

- B. If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 1 units at a TR SO₂ Group 1 source are in excess of the TR SO₂ Group 1 emissions limitation set forth in paragraph (c) (i) (A) above, then:
 - I. The owner and operator and each TR SO₂ Group 1 unit at the source shall hold the TR SO₂ Group 1 allowances required for deduction under 40 CFR 97.624(d); and
 - II. The owner and operator and each TR SO₂ Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR Part 97, Subpart CCCCC and the Clean Air Act.
- ii. Beginning January 1, 2017, if total SO₂ emissions during a control period in a given year from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in Illinois exceed the Illinois assurance level, the owner and operator shall comply with the provisions of 40 CFR 97.606(c) (2).
- iii. Compliance periods.
 - A. A TR SO₂ Group 1 unit shall be subject to the requirements under Condition 6.3.2(c) (i) for the control period starting on January 1, 2015, and for each control period thereafter [40 CFR 97.606(c) (3) (i)].
 - B. A TR SO₂ Group 1 unit shall be subject to the requirements under Condition 6.3.2(c) (ii) above for the control period starting on January 1, 2017, and for each

Section 6.0 - Conditions for Emissions Control Programs
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control period thereafter [40 CFR
97.606(c) (3) (ii)].

iv. Vintage of allowances held for compliance.

A. A TR SO₂ Group 1 allowance held for compliance with the requirements under Condition 6.3.2(c) (i) (A) for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for such control period or a control period in a prior year [40 CFR 97.606(c) (4) (i)].

B. A TR SO₂ Group 1 allowance held for compliance with the requirements under Conditions 6.3.2(c) (i) (B) or 6.3.2(c) (ii) for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year [40 CFR 97.606(c) (4) (ii)].

v. Allowance Management System requirements. Each TR SO₂ Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR Part 97, Subpart CCCCC [40 CFR 97.606(c) (5)].

vi. Limited authorization. A TR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:

A. Such authorization shall only be used in accordance with the TR SO₂ Group 1 Trading Program [40 CFR 97.606(c) (6)].

6.3.3 Monitoring, Recordkeeping, and Reporting

- a. The owner or operator must submit to the USEPA Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable [40 CFR 97.434(b), 97.534(b) and 97.634(b)].
- b. For TR NO_x Annual emissions, the owner or operator shall comply with the continuous monitoring,

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recordkeeping, and reporting provisions specified in 40 CFR Part 97 Subpart AAAAA, and 40 CFR Part 75 Subpart H. These provisions include the calculation requirements specified at 40 CFR 97.406(b)(2); the recordkeeping and reporting requirements specified at 40 CFR 97.406(e); the general monitoring, recordkeeping, and reporting requirements specified at 40 CFR 97.430; the monitoring system certification and recertification requirements specified at 40 CFR 97.431; the monitoring system out-of-control requirements specified at 40 CFR 97.432; the notification requirements specified at 40 CFR 97.433; the recordkeeping and reporting requirements specified at 40 CFR 97.434; and the petitions for alternatives to monitoring, recordkeeping, or reporting requirements specified at 40 CFR 75.66 and 97.435.

- c. For TR NO_x Ozone Season emissions, the owner or operator shall comply with the continuous monitoring, recordkeeping, and reporting provisions specified in 40 CFR Part 97 Subpart BBBBB, and 40 CFR Part 75 Subpart H. These provisions include the calculation requirements specified at 40 CFR 97.506(b)(2); the recordkeeping and reporting requirements specified at 40 CFR 97.506(e); the general monitoring, recordkeeping, and reporting requirements specified at 40 CFR 97.530; the monitoring system certification and recertification requirements specified at 40 CFR 97.531; the monitoring system out-of-control requirements specified at 40 CFR 97.532; the notification requirements specified at 40 CFR 97.533; the recordkeeping and reporting requirements specified at 40 CFR 97.534; and the petitions for alternatives to monitoring, recordkeeping, or reporting requirements specified at 40 CFR 75.66 and 97.535.
- d. For TR SO₂ Group 1 emissions, the owner or operator shall comply with the continuous monitoring, recordkeeping, and reporting provisions specified in 40 CFR Part 97 Subpart CCCCC, and 40 CFR Part 75 Subparts B, F and G. These provisions include the calculation requirements specified at 40 CFR 97.606(b)(2); the recordkeeping and reporting requirements specified at 40 CFR 97.606(e); the general monitoring, recordkeeping, and reporting requirements specified at 40 CFR 97.630; the monitoring system certification and recertification requirements specified at 40 CFR 97.631; the monitoring system out-of-control requirements

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specified at 40 CFR 97.632; the notification requirements specified at 40 CFR 97.633; the recordkeeping and reporting requirements specified at 40 CFR 97.634; and the petitions for alternatives to monitoring, recordkeeping, or reporting requirements specified at 40 CFR 75.66 and 97.635.

6.3.4 Designated Representative and Alternate Designated Representative

Pursuant to 40 CFR 97.406(a), 40 CFR 97.506(a), and 40 CFR 97.606(a), the owners and operators shall comply with the requirement to have a Designated Representative, and may also have an Alternate Designated Representative for Boiler BLR-1 and Boiler BLR-2, in accordance with 40 CFR 97.413 through 418 for the TR NO_x Annual Trading Program; 40 CFR 97.513 through 518 for the TR NO_x Ozone Season Trading Program; and 40 CFR 97.613 through 618 for the TR SO₂ Group 1 Trading Program.

6.3.5 Coordination with Other Requirements

- a. Any provision of the TR NO_x Annual or Ozone Season or TR SO₂ Group 1 Trading Program that applies to a source or the designated representative shall also apply to the owners and operators of such source and the TR NO_x Annual or Ozone Season or TR SO₂ Group 1 units at the source [40 CFR 97.406(f) (1), 97.506(f) (1) and 97.606(f) (1)].
- b. Any provision of the TR NO_x Annual or Ozone Season or TR SO₂ Group 1 Trading Program that applies to a TR NO_x Annual or Ozone Season or TR SO₂ Group 1 unit or the designated representative shall also apply to the owners and operators of such unit [40 CFR 97.406(f) (2), 97.506(f) (2) and 97.606(f) (2)].
- c. This permit does not contain any conditions that are intended to interfere with or modify the requirements of the Transport Rule, 40 CFR Part 97 Subparts AAAAA, BBBBBB or CCCCC.
- d. Where another applicable requirement of the CAA is more stringent than an applicable requirement of 40 CFR Part 97 Subparts AAAAA, BBBBBB, or CCCCC, both requirements are incorporated into this permit and are enforceable and the owners and operators of the source shall comply with both requirements [Section 39.5(7) (h) of the Act].

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6.3 - Cross-State Air Pollution Rule (CSAPR)

- e. No revision of this CAAPP permit is required for any allocation, holding, deduction, or transfer of TR NOx Annual or Ozone Season or TR SO2 Group 1 allowances in accordance with 40 CFR Part 97 Subparts AAAAA, BBBBB, or CCCCC [40 CFR 97.406(d) (1), 97.506(d) (1) and 97.606(d) (1)].

6.3.6 Effect on Other Authorities

No provision of the TR NOx Annual or Ozone Season or TR SO2 Group 1 Trading Programs or exemption under 40 CFR 97.405, 97.505 or 96.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NOx Annual or Ozone Season or TR SO2 Group 1 source or unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act [40 CFR 97.406(g), 97.506(g) and 97.606(g)].

Section 6.0 - Conditions for Emissions Control Programs
6.4 - Best Available Retrofit Technology (BART)

6.4 Best Available Retrofit Technology (BART)

6.4.1 Description

- a. Pursuant to Section 169A of the Clean Air Act, USEPA has determined that as Part of its strategy to reduce visibility impairing air pollutants, such as oxides of nitrogen (NO_x), sulfur dioxide (SO₂), and particulate matter (PM), that certain stationary emission sources should be subject to a Best Available Retrofit Technology (BART) standard. BART is defined as an "emission limitation based on the degree of reduction available through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility" (40 CFR 51.301).
- b. The sources subject to a BART standard, according to "Guidelines for BART Determinations under the Regional Haze Rule" ("BART Guidelines") published by USEPA in July of 2005, must be one of 26 specified source categories; were in existence in August 1977; began operating after August 1962; and have the potential to emit 250 tons per year or more of any air pollutant.
- c. For coal-fired EGUs, the BART Guidelines provide presumptive emission limits or control levels for various boiler and coal types. The Illinois EPA has compared these presumptive BART emission levels to existing emission reduction requirements and commitments for the subject-to-BART EGUs in Illinois.

Note: The description in Condition 6.4.1 is for informational purposes only and implies no limits or constraints.

6.4.2 Applicability

This source is an affected source and the following emission units at the source are affected units for BART:

Boiler 1 (BLR-1), and
Boiler 2 (BLR-2)

6.4.3 BART Controls for EGUs/Emission Standards

Construction Permit 09050022 was issued on June 24, 2011 for an emission control program (Program) for the affected

Section 6.0 - Conditions for Emissions Control Programs
6.4 - Best Available Retrofit Technology (BART)

units (i.e., Kincaid Units 1 and 2, the two electrical generating units at the Kincaid Power Station) that addresses the role of their emissions in visibility impairment and regional haze, as is required for the affected units by the federal Clean Air Act, Section 169A, Visibility Protection for Federal Class I Areas. Under the Program, the Permittee is reducing emissions of nitrogen oxides (NO_x) from the affected units by operating the existing SCR systems on the units on a year-round basis. The Permittee is reducing emissions of sulfur dioxide (SO₂) from the affected units by operating flue gas desulfurization technology on the units. The affected units are subject to stringent annual limits for their NO_x and SO₂ emission rates, which limits represent application of Best Available Retrofit Technology (BART) to the units.

6.4.4 NO_x and SO₂ Emission Reduction Requirements

Pursuant to Construction Permit 09050022,

a. NO_x Emission Reduction Requirements

Commencing March 1, 2013 and continuing thereafter, the annual average NO_x emission rate of the affected units, combined, shall not exceed 0.07 pounds per million British thermal units (mmBtu). This limit shall apply on a calendar year basis (i.e., for the period from January 1st to December 31st of each year). [T1]

b. SO₂ Emission Reduction Requirements

i. In the years 2014, 2015 and 2016, the annual average SO₂ emission rate of the affected units, combined, on a calendar year basis, shall not exceed 0.20 pounds per million Btu. [T1]

ii. Commencing January 1, 2017 and continuing thereafter, the annual average SO₂ emission rate of the affected units, combined, on a calendar year basis, shall not exceed 0.15 pounds per million Btu. [T1]

c. Compliance Methodology

i. Compliance with the limits in Conditions 6.4.4(a) and (b) shall be determined by dividing the total amount of NO_x or SO₂ emitted by the affected units during the particular compliance period, in pounds, by the fuel heat input into the affected units during the

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period, in million Btu, using data for the emissions and heat input collected under the federal Cross-State Air Pollution Rule (CSAPR) (or any subsequent federal program addressing NO_x and SO₂ emissions of electrical generating units that is a successor to CSAPR). [T1]

- ii. The applicable requirements for monitoring SO₂ and NO_x emissions of the affected boilers under the CSAPR, which is to be used to determine compliance with the limits in Conditions 6.4.4(a) and (b), are set forth in Section 6.3.3 of this permit.
- iii. NO_x and SO₂ allowances under CSAPR or any successor program shall not be considered in determining compliance with these limits, provided however that the transfer of such allowances associated with the affected units is not restricted by this permit and nothing in this permit shall be considered to prohibit or restrict the ability of the Permittee to sell, trade or transfer SO₂ or NO_x allowances of any vintage owned, allocated to or earned by the affected units. [T1]

6.4.5 Reporting Requirements Under the Program

For the annual period beginning on January 1, 2017 and continuing thereafter, the Permittee shall submit annual compliance reports to the Illinois EPA that provide the annual NO_x and SO₂ emission rates of the affected units, with supporting documentation, and address compliance with the emission limits in Conditions 6.4.4(a) and (b). These compliance reports shall be submitted by January 31 of the year following the year or period addressed by the report. [T1]

Section 6.0 - Conditions for Emissions Control Programs
6.5 - Control of Mercury Emissions from Coal-Fired Electric Generating Units

6.5 Control of Mercury Emissions from Coal-fired Electric Generating Units

6.5.1 Description

The purpose of 35 IAC Part 225 Subpart B is to limit the emissions of mercury from coal-fired EGUs operating in Illinois. Compliance with mercury emission limits is demonstrated using a continuous monitoring system.

Note: The description in Condition 6.5.1 is for informational purposes only and implies no limits or constraints.

6.5.2 List of Emission Units

The EGUs associated with the following emission units at the source are affected EGUs for the purpose of 35 IAC Part 225 Subpart B:

Boiler 1 (BLR-1), and
Boiler 2 (BLR-2)

6.5.3 Applicability

Both affected EGUs are subject to 35 IAC 225 Subpart B, pursuant to 35 IAC 225.205, as neither is a cogeneration unit and each is a unit serving, at any time since the start-up of the unit's combustion chamber, a generator with nameplate capacity of more than 25 MWe producing electricity for sale.

6.5.4 Emission Standards for EGUs

- a. Pursuant to 35 IAC 225.233(d)(1), the Permittee shall comply with one of the following standards for the affected EGUs, calculated in accordance with 35 IAC 225.230(a) or (d), on a rolling 12-month basis (State-Only Requirement):
 - i. An emission standard of 0.0080 lb mercury/GWh gross electrical output, provided that the Permittee monitors and records gross electrical output in accordance with 35 IAC 225.263 and 35 IAC 225.290(a)(2)(B); or
 - ii. A minimum 90-percent reduction of input mercury, provided that the Permittee conducts the necessary fuel sampling, analysis and recordkeeping in accordance with 35 IAC 225.265.

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6.5.5 Monitoring

The Permittee shall install, operate and maintain monitoring systems required pursuant to 35 IAC 225.240 through 225.270 for monitoring mercury mass emissions (including the systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO₂ or O₂ concentration, as applicable, in accordance with Sections 1.15 or 1.16 of 35 IAC 225. Appendix B) (State-Only Requirement).

6.5.6 Recordkeeping

- a. Pursuant to 35 IAC 225.290(a)(2), the Permittee shall maintain records for each month identifying the mercury emission standard in Condition 6.5.4(a) used to demonstrate compliance or that is applicable for the affected EGU and the records, as specified in 35 IAC 225.290(a)(2). (State-Only Requirement).
- b. The Permittee shall maintain records of the following data (State-Only Requirement):
 - i. Monthly emissions of mercury from each affected EGU.
 - ii. For an affected EGU complying by means of 35 IAC 225.230(d), records of the monthly allowable emissions of mercury from the EGU.
- c. The Permittee shall maintain records related to quality assurance activities conducted for emissions monitoring systems pursuant to Section 2.2 of 35 IAC 225. Exhibit B. (State-Only Requirement).
- d. The Permittee shall prepare and maintain a Mercury Emissions Monitoring Plan as specified in Section 1.10 of 35 IAC Part 225. Appendix B. (State-Only Requirement).

6.5.7 Reporting

- a. Quarterly Reports. For any affected EGUs using CEMS or excepted monitoring systems at any time during a calendar quarter, the Permittee shall submit quarterly reports and compliance certifications to the Illinois EPA as required by 35 IAC 225.290(b) and (c) (State-Only Requirement).

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- b. Annual Certification of Compliance. The Permittee shall submit to the Agency an Annual Certification of Compliance with 35 IAC Part 225 Subpart B no later than May 1 of each year, addressing compliance for the previous calendar year, as required by 35 IAC 225.290(d) (State-Only Requirement).
- c. Deviation Reports. For each affected EGU, the Permittee shall promptly notify the Agency of deviations from requirements of 35 IAC Part 225 Subpart B, as required by 35 IAC 225.290(e). These notifications must include a description of such deviations within 30 days after discovery of the deviations, and a discussion of the possible cause of such deviations, any corrective actions, and any preventative measures taken (State-Only Requirement).
- d. Quality Assurance RATA Reports. The Permittee shall submit to the Agency, Air Compliance and Enforcement Section, the quality assurance RATA report for each EGU or group of EGUs pursuant to Section 1.18(d) (4) of 35 IAC Part 225.Appendix B, within 45 days after completing a quality assurance RATA (State-Only Requirement).

6.5.8 Compliance Procedures

- a. Compliance with the mercury emission limits of Condition 6.5.4(a) is addressed by the monitoring in accordance with Condition 6.5.5(a) and the recordkeeping required by Condition 6.5.6(a) through (d). (State-Only Requirement).

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6.6 - Mercury and Air Toxics Standard (MATS)

6.6 Mercury and Air Toxics Standard (MATS) (40 CFR Part 63, Subpart UUUUU)

6.6.1 Description

On December 16, 2011, the United States Environmental Protection Agency (USEPA) signed a rule to limit emissions of hazardous air pollutants from power plants. Specifically, these mercury and air toxics standards (MATS) for power plants limit emissions from new and existing coal and oil-fired electric utility steam generating units (EGUs).

The rule establishes numeric emission standards for non-mercury HAP metals, mercury, and non-organic acid gases. It also establishes surrogate emission standards, including SO₂ (as a surrogate for non-organic acid gases), and filterable PM (as a surrogate for non-mercury HAP metals).

The standards set work practices for emissions of organic HAPs, including dioxin/furan. The work practice standards require periodic tune-ups for each unit that involves inspection, adjustment, and/or maintenance and repairs (if necessary) to ensure efficient combustion.

Note: The description in Condition 6.6.1 is for informational purposes only and implies no limits or constraints.

6.6.2 Applicability Provisions

Certain affected sources, as specified below, are "affected electric utility steam generating units (EGUs)" for the purposes of the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, pursuant to 40 CFR 63.9981 and 40 CFR 63.9982(a)(1), because the permittee owns or operates coal fired EGUs as defined at 40 CFR 63.10042. These affected EGUs are subject to the applicable requirements of the NESHAP, 40 CFR Part 63 Subpart UUUUU, and related requirements in the NESHAP General Provisions, 40 CFR Part 63, Subpart A.

Unit 1 (BLR-1)

Unit 2 (BLR-2)

The affected EGUs are in the subcategory of existing EGUs designed for coal with a heating value greater than or equal to 8300 Btu/lb [40 CFR 63.9990].

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6.6.3 Applicable Requirements

a. Unless an affected unit complies with the LEE requirements in Condition 6.6.9(b) or alternative requirements in Conditions 6.6.9(c) or (d), the Permittee shall comply with the following applicable requirements:

i. For non-mercury HAP metals,

A. Pursuant to 40 CFR 63.9991 and Table 2 to Subpart UUUUU of 40 CFR Part 63, emissions from the affected EGUs shall comply with one of the following limits:

I. Emissions of filterable particulate matter shall not exceed, as a 30-boiler operating day rolling average:

a. 0.030 lb/mmBtu (mass per heat input); or

b. 0.30 lb/MWh (mass per gross output).

II. As an alternative to the standard in Condition 6.6.3(a)(i)(A)(I), the Permittee may elect to comply with the standard for individual or total non-mercury HAP metals as set forth in Condition 6.6.9(c).

ii. For mercury,

A. Pursuant to 40 CFR 63.9991 and Table 2 to Subpart UUUUU of 40 CFR Part 63, for affected EGUs not using emissions averaging, emissions of mercury from the affected EGUs shall not exceed, as a 30-boiler operating day rolling average:

I. 1.2 lb/TBtu (mass per heat input); or

II. 0.013 lb/GWh (mass per gross output).

B. Pursuant to 40 CFR 63.10009(a)(2), if the Permittee is using emissions averaging for mercury, emissions from the affected

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EGUs shall not exceed, as a 90-group boiler operating day rolling average:

- I. 1.0 lb/TBtu (mass per heat input);
or
- II. 0.011 lb/GWh (mass per gross output).

iii. For acid gases,

A. Pursuant to 40 CFR 63.9991 and Table 2 to Subpart UUUUU of 40 CFR Part 63, emissions from the affected EGUs shall comply with one of the following limits:

I. Emissions of SO₂ shall not exceed, as a 30-boiler operating day rolling average:

- a. 0.20 lb/mmBtu (mass per heat input); or
- b. 1.5 lb/MWh (mass per gross output).

II. As an alternative to the standard in Condition 6.6.3(a)(iii)(A)(I), the Permittee may elect to comply with the standard for hydrogen chloride as set forth in Condition 6.6.9(d).

B. Pursuant to 40 CFR 63.9991(c)(2), if the Permittee is complying with the SO₂ limit in Condition 6.6.3(a)(iii)(A)(I), the Permittee must, at all times, operate the wet or dry flue gas desulfurization technology and the SO₂ CEMS installed on the affected units consistent with 40 CFR 63.10000(b).

b. The Permittee may use the emissions averaging provisions of 40 CFR 63.10009 and 40 CFR 63.10022 to demonstrate compliance with the emission standards specified in Conditions 6.6.3(a)(i), (ii)(B), and (iii).

c. If the Permittee elects to switch from heat input based limits to gross output based limits (or vice-versa) in Condition 6.6.3(a) or to an alternate

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emission standard or provision in Conditions 6.6.9(c) through (e), the Permittee shall comply with the Notification of Compliance Status requirements in Condition 6.6.9(a).

- d. Pursuant to 40 CFR 63.10000(b), at all times the Permittee must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Illinois EPA which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
- e. Performance Tune-up Work Practices:

Pursuant to 40 CFR 63.9991(a)(1), and item 1 of Table 3 to Subpart UUUUU of 40 CFR Part 63, the Permittee shall conduct a tune-up of the EGU burner and combustion controls at least every 36 calendar months, or each 48 months if neural network combustion optimization software is employed, as specified at 40 CFR 63.10021(e).

6.6.4 Applicable Monitoring and Testing Requirements

- a. Unless an affected unit complies with the LEE requirements in Condition 6.6.9(b) or alternative requirements in Conditions 6.6.9(c) or (d), the Permittee shall comply with the following applicable requirements:

- i. For non-mercury HAP metals,

Pursuant to 40 CFR 63.10000(c)(1)(iv), in order to demonstrate compliance with the filterable particulate matter emission standard specified in Condition 6.6.3(a)(i)(A), the Permittee shall monitor continuous performance through performance testing repeated quarterly.

- ii. For mercury,

The Permittee shall monitor emissions of mercury from affected EGUs using a mercury continuous emission monitoring system in accordance with 40 CFR 63.10010(g), 40 CFR

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63.10020(a) through (d), and Appendix A to 40 CFR Part 63 Subpart UUUUU.

iii. For Acid Gases,

To demonstrate compliance with the SO₂ emission limit specified in Condition 6.6.3(a)(iii), the Permittee shall operate and maintain an SO₂ CEMS in accordance with the requirements specified at 40 CFR 63.10010(f) and 40 CFR 63.10020(a) through (d).

iv. For Continuous Monitoring Systems,

A. The Permittee shall comply with the provisions of 40 CFR 63.10010(b), (c) and (d), and 40 CFR 63.10020(a) through (d) regarding CO₂ CEMS, stack gas flow rate monitoring, and stack gas moisture content.

B. Pursuant to 40 CFR 63.10007(f), since the Permittee uses a continuous monitoring system to monitor emissions of mercury and SO₂, the Permittee may use the diluent cap and default gross output values as specified at 40 CFR 63.10007(f)(1) and (2) in emission rate calculations during startup and shutdown periods.

6.6.5 General Testing Requirements

- a. Pursuant to 63.10021(a), the Permittee shall conduct all performance testing in accordance with the requirements of 40 CFR 63.10007 and item 1 in Table 2, Table 5, and item 4 in Table 7 to Subpart UUUUU of 40 CFR Part 63.

6.6.6 General Recordkeeping Requirements

- a. The Permittee shall keep copies of any information and reports submitted to comply with the requirements of 40 CFR Part 63 Subpart UUUUU, and copies of any performance stack tests, CMS performance evaluations, and compliance demonstrations as specified at 40 CFR 63.10032(a).
- b. The Permittee shall keep records for any CMS as specified at 40 CFR 63.10032(b) and 40 CFR 63.10(c).

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- c. The Permittee shall keep records of any monitoring data as specified at 40 CFR 63.10032(c) and 63.10(b)(2)(vii) through (ix).
- d. The Permittee shall keep records of any monthly fuel use, non-hazardous secondary materials combusted, and information for affected EGUs qualifying as LEE units as specified at 40 CFR 63.10032(d).
- e. The Permittee shall keep records for any emissions averaging as specified at 40 CFR 63.10032(e).
- f. The Permittee shall keep records regarding any startup or shutdown periods as specified at 40 CFR 63.10032(f) and (i).
- g. The Permittee shall keep records regarding any equipment malfunctions as specified at 40 CFR 63.10032(g) and (h).
- h. The Permittee shall keep records of any maintenance performed on air pollution control and monitoring equipment as specified at 40 CFR 63.10(b)(2)(iii).
- i. The Permittee shall keep records of any continuous monitoring system malfunctions and inoperative periods as specified at 40 CFR 63.10(b)(2)(vi).
- j. The Permittee shall keep records of any periods of monitored excess emissions as specified at 40 CFR 63.10(c)(7) and (8).
- k. The Permittee shall keep mercury continuous monitoring system and other CMS system records as specified in Section 7.1 of Appendix A to 40 CFR Part 63 Subpart UUUUU.
- l. Pursuant to 40 CFR 63.10033 and 40 CFR 63.10(b)(1), the Permittee shall keep any required records on site for at least the first two years, but may be kept off-site after the first two years.

6.6.7 Reporting Requirements

- a. Pursuant to 40 CFR 63.10030(a), the Permittee shall submit the following notifications, as applicable, in accordance with the specified regulatory provision(s):
 - i. Periodic Test Notifications, as specified at 40 CFR 63.7(b), 40 CFR 63.9(e), and 63.10030(d),

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to be submitted at least 30 days before the test is scheduled to begin.

- ii. Continuous Monitoring System Performance Evaluation Notices, as specified at 40 CFR 63.8(e).
 - iii. Alternative Monitoring Requests, as specified at 40 CFR 63.8(f)(4).
 - iv. Alternative RATA Requests, as specified at 40 CFR 63.8(f)(6).
 - v. Special Compliance Requirements Notices, as specified at 40 CFR 63.9(d).
 - vi. Additional CMS Notifications, as specified at 40 CFR 63.9(g).
 - vii. Notifications of Compliance Status, as specified at 40 CFR 63.9(h), 40 CFR 63.10030(e) and Condition 6.6.9(a)(i).
- b. Pursuant to 40 CFR 63.10031(b), the Permittee shall submit a Semiannual Compliance Report no later than January 31 and July 31 of each year. Each Semiannual Compliance Report shall contain the information specified at 40 CFR 63.10031(c) through (d) and (g).
- i. Pursuant to 40 CFR 63.10031(e), the Permittee shall report deviations from the applicable requirements of 40 CFR Part 63 Subpart UUUUU (as defined at 40 CFR 63.10042) in the Semiannual Compliance Report.
- c. Pursuant to 40 CFR 63.10031(f) and 40 CFR 63.10(d)(1) and (2), the Permittee shall submit reports of performance tests and CEMS performance evaluations required by 40 CFR Part 63 Subpart UUUUU no later than 60 days after completion.
- d. The Permittee shall comply with any applicable reporting requirements for mercury CEMS and sorbent trap monitoring systems, as applicable, specified at Sections 7.2.1 through 7.2.4 of Appendix A to 40 CFR Part 63 Subpart UUUUU.
- e. Pursuant to Section 7.2.5 of Appendix A to 40 CFR Part 63 Subpart UUUUU, the Permittee shall submit any required mercury applicable CEMS and sorbent trap monitoring system data quarterly within 30 days after

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the end of each calendar quarter, using the ECMPS Client Tool.

- f. The Permittee shall comply with any applicable reporting requirements for HCl CEMS, if applicable, specified at Sections 11.1 through 11.4 of Appendix B to 40 CFR Part 63 Subpart UUUUU.
- g. Pursuant to Section 11.5 of Appendix B to 40 CFR Part 63 Subpart UUUUU, if applicable, the Permittee shall submit any required HCl CEMS data quarterly within 30 days after the end of each calendar quarter, using the ECMPS Client Tool.

6.6.8 Startup/Shutdown Provisions

- a. Pursuant to 40 CFR 63.9991(a)(1) and 40 CFR 63.10021(h), the Permittee shall comply with the control device operation, fuel usage, monitoring, recordkeeping, and reporting requirements specified in items 3 and 4 of Table 3 to Subpart UUUUU of 40 CFR Part 63 during startup periods and shutdown periods (as those terms are defined at 40 CFR 63.10042) of the affected EGUs.
 - i. The Permittee has elected to use paragraph (1) of the definition of "startup" in 40 CFR 63.10042, and must therefore operate all CMS during startup and use "clean fuels" as defined at 40 CFR 63.10042 for ignition.
 - ii. Pursuant to 40 CFR 63.10030(e)(8)(iii), the Permittee may switch from paragraph (1) of the definition of "startup" in 40 CFR 63.10042 to paragraph (2) of the definition of "startup" (or vice-versa), provided that the Permittee follows the procedure specified at 40 CFR 63.10030(e)(8)(iii)(A) through (E).
 - iii. Pursuant to 40 CFR 63.10030(e)(8)(i), should the Permittee choose to rely on paragraph (2) of the definition of "startup" in 40 CFR 63.10042 for an EGU, the Permittee shall submit a report that identifies EGU and PM control device design characteristics and other information as specified at 40 CFR 63.10030(e)(8)(i)(A) through (K) that shall be prepared, signed, and sealed by a professional engineer licensed in Illinois.

6.6.9 Alternative Requirements

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a. Notification Requirements:

Pursuant to Section 39.5(7)(b) of the Act and 40 CFR 63.10030(e)(8)(iii)(A),

- i. If the Permittee elects to change from compliance with a mass per heat input basis emission limit (e. g., lbs/mmBtu) to a mass per gross output basis emission limit (e. g., lbs/GW-hr), or vice-versa, the Permittee shall comply with the requirements specified at 40 CFR 63.10030(e)(7)(iii)(A) through (C).
- ii. If the Permittee elects to switch from the paragraph (1) definition of startup at 40 CFR 63.10042 to the paragraph (2) definition of startup, or vice-versa, the Permittee shall comply with the requirements specified at 40 CFR 63.10030(e)(8)(iii)(A) through (E).
- iii. If the Permittee elects to change other 40 CFR Part 63 Subpart UUUUU compliance demonstration methods as described by Condition 6.6.9(b) through (e) that renders the compliance demonstration methodology information contained in the most recently-submitted Notification of Compliance Status incorrect, the Permittee shall submit an advance notice to Illinois EPA at least 60 days prior to implementing the change. In the advance notice, the Permittee shall include the information necessary for Illinois EPA to determine the applicable requirements pertaining to the change, and any relevant performance test results necessary to demonstrate compliance with the new method, if applicable. The Permittee shall comply with written directives issued by Illinois EPA in response to such advance notice, and may proceed with implementing the change if not directed otherwise in writing by Illinois EPA within 45 days after submission of the change notice. The Permittee shall also comply with applicable requirements to submit a revised Notification of Compliance Status to Illinois EPA no later than 60 days following the change.

b. Low Emitting EGU (LEE) Alternative Requirements:

- i. LEE Status for mercury (Hg):

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An EGU may qualify for LEE status for Hg if the Permittee collects performance test data that meet the requirements of 40 CFR 63.10005(h), and if those data demonstrate:

- A. For Hg emissions from an existing EGU, either:
 - I. Average emissions less than 10 percent of the applicable Hg emissions limit in Table 2 to 40 CFR Part 63 Subpart UUUUU (expressed either in units of lbs/TBtu or lbs/GWh); or
 - II. Potential Hg mass emissions of 29.0 or fewer pounds per year and compliance with the applicable Hg emission limit in Table 2 to 40 CFR Part 63 Subpart UUUUU (expressed either in units of lbs/TBtu or lbs/GWh).
 - B. If test data demonstrate that an affected EGU qualifies for LEE status for the mercury emission standard specified in Condition 6.6.3(a)(ii) by satisfying the LEE criteria specified at 63.10005(h)(1)(ii), the Permittee shall conduct performance testing as specified at 63.10005(h)(3) at least once every 12 calendar months, as specified at 40 CFR 63.10000(c)(1)(ii).
 - C. Pursuant to 40 CFR 63.10006(b)(2), if subsequent emission test results show that the affected EGU no longer satisfies the criteria for LEE status, the Permittee shall install, certify, operate, and maintain a mercury CEMS or sorbent trap monitoring system in accordance with Appendix A to 40 CFR Part 63 Subpart UUUUU within 6 months of losing LEE eligibility, and conduct quarterly mercury emissions testing until the mercury CEMS or sorbent trap monitoring system is installed, certified, and operating.
- ii. LEE Status for HCl, filterable PM, total non-Hg HAP metals, or individual non-Hg HAP metals:

An EGU may qualify for LEE status for HCl, filterable PM, total non-Hg HAP metals, or individual non-Hg HAP metals if the Permittee collects performance test data that meet the

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requirements of 40 CFR 63.10005(h), and if those data demonstrate:

- A. For HCl, filterable PM, total non-Hg HAP metals, or individual non-Hg HAP metals, performance test emissions results less than 50 percent of the applicable emissions limits in Table 2 to 40 CFR Part 63, Subpart UUUUU for all required testing for 3 consecutive years.
- B. If test data demonstrates that an affected EGU qualifies for LEE status for total non-Hg HAP metals, individual non-Hg HAP metals, filterable particulate matter, or HCl standards specified in Conditions 6.6.9(c) (i) (A) (I), 6.6.9(c) (i) (A) (II), 6.6.3(a) (i), or 6.6.9(d) (i) (A) (I), respectively, by satisfying the LEE criteria specified at 63.10005(h) (1) and (2), the Permittee shall conduct a performance test at least once every 36 calendar months, as specified at 40 CFR 63.10000(c) (1) (iii).
- C. Pursuant to 40 CFR 63.10006(b) (1), if subsequent emission test results show that the affected EGU no longer satisfies the criteria for LEE status, the Permittee shall resume conducting quarterly stack testing for total non-Hg HAP metals, individual non-Hg HAP metals, filterable PM, or HCl or shall install, certify, and operate a PM CEMS, HCl CEMS, SO₂ CEMS, or PM CPMS, as applicable.

c. i. Non-mercury HAP Metals Alternative Requirements:

- A. The Permittee may elect to comply with a non-mercury HAP metals standard as an alternative to the filterable particulate matter standard set forth in Condition 6.6.3(a) (i). Pursuant to 40 CFR 63.9991 and Table 2 to Subpart UUUUU of 40 CFR Part 63, for affected EGUs not satisfying the criteria for LEE status, the Permittee may elect to comply with one of the following limits either individually or using the applicable emissions averaging provisions of 40 CFR 63.10009 and 63.10022:
 - I. Emissions of total non-Hg HAP metals from the affected EGUs shall not exceed, as a 30-boiler operating day rolling average, 0.000050 lb/mmBtu (mass per heat input)

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or 0.50 lb/GWh (mass per gross output);
or

- II. Emissions of individual non-Hg HAP metals (Sb, As, Be, Cd, Cr, Co, Pb, Mn, Ni, Se) shall not exceed, as a 30-boiler operating day rolling average, the following limits specified in Table 2 to Subpart UUUUU of 40 CFR Part 63:

Pollutant:	Emission Limit (Mass Per Heat Input):	OR	Emission Limit (Mass Per Gross Output):
Antimony (Sb)	0.80 lb/TBtu	OR	0.0080 lb/GWh
Arsenic (As)	1.1 lb/TBtu	OR	0.020 lb/GWh
Beryllium (Be)	0.20 lb/TBtu	OR	0.0020 lb/GWh
Cadmium (Cd)	0.30 lb/TBtu	OR	0.0030 lb/GWh
Chromium (Cr)	2.8 lb/TBtu	OR	0.030 lb/GWh
Cobalt (Co)	0.80 lb/TBtu	OR	0.0080 lb/GWh
Lead (Pb)	1.2 lb/TBtu	OR	0.020 lb/GWh
Manganese (Mn)	4.0 lb/TBtu	OR	0.050 lb/GWh
Nickel (Ni)	3.5 lb/TBtu	OR	0.040 lb/GWh
Selenium (Se)	5.0 lb/TBtu	OR	0.060 lb/GWh

ii. Non-mercury HAP Metals Alternative Monitoring Provisions:

- A. If the Permittee elects to demonstrate compliance with the filterable particulate matter emission limit specified in Condition 6.6.3(a)(i) using PM CEMS, the Permittee shall install, certify, operate, and maintain the PM CEMS in accordance with the requirements specified at 40 CFR 63.10010(i) and 40 CFR 63.10020(a) through (d).
- B. If the Permittee elects to demonstrate compliance with the filterable particulate matter emission limit specified in Condition 6.6.3(a)(i) using PM CPMS, the Permittee shall install, certify, operate, and maintain the PM CPMS in accordance with the requirements specified at 40 CFR 63.10010(h) and 40 CFR 63.10020(a) through (d), and Table 6 to 40 CFR Part 63, Subpart UUUUU.

d. i. Acid Gases Alternative Emission Standards:

- A. The Permittee may elect to comply with a standard for emissions of HCl as an

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alternative the SO₂ standards set forth in Condition 6.6.3(a)(iii)(A). Pursuant to 40 CFR 63.9991 and Table 2 to Subpart UUUUU of 40 CFR Part 63, for affected EGUs not satisfying the criteria for LEE status, the Permittee may elect to comply with the following limit, either individually or using the applicable emissions averaging provisions of 40 CFR 63.10009 and 63.10022:

I. Emissions of Hydrogen Chloride shall not exceed, as a 30-boiler operating day rolling average, 0.0020 lb/mmBtu (mass per heat input) or 0.020 lb/MWh (mass per gross output).

ii. Acid Gases Alternative Testing Provisions:

Pursuant to 40 CFR 63.10000(c)(1)(v), in order to demonstrate compliance with the emission standard specified in Condition 6.6.9(d)(i), if the affected source does not use an HCl continuous emission monitoring system (HCl CEMS), the Permittee shall demonstrate continuous compliance through HCl performance testing repeated quarterly.

iii. Acid Gases Alternative Monitoring Provisions:

If the Permittee elects to demonstrate compliance with the HCl emission limit specified in Condition 6.6.9(d)(i) using an HCl CEMS, the Permittee shall install, certify, operate, and maintain the HCl CEMS in accordance with the requirements specified at 40 CFR 63.10010(e), 40 CFR 63.10020(a) through (d), and Appendix B to 40 CFR Part 63 Subpart UUUUU.

e. Mercury Alternative Monitoring Provisions:

The Permittee may elect to monitor emissions of mercury from affected EGUs using a mercury sorbent trap monitoring system in accordance with 40 CFR 63.10010(g), 40 CFR 63.10020(a) through (d), and Appendix A to 40 CFR Part 63 Subpart UUUUU, as an alternative to a mercury CEMS, as described in Condition 6.6.4(a)(ii).

6.7 Consent Decree Incorporation Requirements

6.7.1. Introduction

This source is subject to certain requirements and limitations that were established by the Consent Decree entered July 17, 2013 by the court in United States of America v. Dominion Energy, Inc., Dominion Energy Brayton Point, LLC and Kincaid Generation, LLC, Civil Action No. 13-3086, U.S. District Court, Central District of Illinois, as amended pursuant to a Stipulation to Non-Material Modification to Consent Decree, executed December 5, 2013 (the "Consent Decree"). Pursuant to Paragraph 169 of the Consent Decree, the Permittee subsequently applied for and obtained a construction permit from the Illinois EPA, Application No. 14060006, which was issued December 10, 2015 (the "Construction Permit") and incorporates certain requirements and limitations of the Consent Decree that relate to this source. Pursuant to Paragraph 170 of the Consent Decree, the Permittee submitted an application on April 4, 2016, to incorporate the terms of the Construction Permit into this permit.

The Permittee also submitted an application for amendment to its CAAPP permit application on December 26, 2013, pursuant to Paragraphs 96 and 168 of the Consent Decree, to address other requirements of the Consent Decree, such as Compliance Assurance Monitoring (CAM), as addressed in Condition 7.1.13-2 and Table 7.1.13b of this permit.

6.7.2 Requirements

- a. For the affected boilers, the Permittee shall comply with the requirements of Conditions 2, 3.a., 4, 5 and 6 of Construction Permit 14060006, as applicable, which conditions and accompanying Attachment A are incorporated into this CAAPP permit by reference. A copy of Construction Permit 14060006, as issued December 10, 2015, is attached to this CAAPP permit for informational purposes as Attachment 6.
- b. For the purpose of the conditions of Construction Permit 14060006 that are incorporated into this CAAPP permit by reference, if any conflict arises between the terms of this CAAPP permit and the terms of the Consent Decree that are incorporated by reference by Construction Permit 14060006, the terms that are incorporated by reference shall govern. This includes conflicts between the definitions that apply elsewhere in this CAAPP permit and the definitions in the Consent Decree that are incorporated by reference by Construction Permit 14060006,

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which definitions shall govern the implementation of the applicable provisions of the Consent Decree.

Notes: As of the date of issuance of this CAAPP permit, enforcement of the Consent Decree had not been terminated, as provided for by Paragraph 207 of the Consent Decree. Accordingly, Conditions 4(b) and (c) and Condition 5 of Construction Permit 14060006, which would apply after the enforcement of the consent decree has been terminated, are not yet applicable.

In addition, when enforcement of the Consent Decree is terminated, Conditions 4(c)(i) and Condition 5(b)(i) of Construction Permit 14060006 would not apply unless and until the specific requirements for reporting related to the provisions of the Consent Decree are added to the body of this CAAPP permit.

7.0 UNIT SPECIFIC CONDITIONS

7.1 Coal-Fired Boilers

7.1.1 Description

The Permittee operates two coal-fired boilers for electric generation. The boilers, which were built in 1967 and 1968, have nominal capacities of 6634 and 6406 mmBtu/hour and are served by a single stack. In addition to coal, these boilers fire natural gas during startup and for flame stabilization.

Nitrogen oxide (NO_x) emissions from the boilers are controlled by over-fire air (OFA) and selective catalytic reduction (SCR) systems. Particulate matter (PM) emissions from the boilers are controlled by electrostatic precipitators (ESP).

Sulfur dioxide (SO₂) emissions are controlled by the use of PRB low sulfur sub-bituminous coal and a dry sorbent injection (DSI) flue gas desulfurization system which injects a dry sorbent material such as sodium bicarbonate into the flue gas of each boiler prior to the electrostatic precipitator.

Mercury emissions from the boilers are controlled by an activated carbon injection (ACI) system which injects a sorbent such as activated carbon into the flue gas of each boiler prior to the ESP.

Note: The description in Condition 7.1.1 is for informational purposes only and implies no limits or constraints.

7.1.2 List of Emission Units and Air Pollution Control Equipment

Boiler ID	Description	Emission Control Equipment
Boiler 1 BLR-1	Babcock and Wilcox Boiler	OFA, SCR, ESP, ACI and DSI
Boiler 2 BLR-2	Babcock and Wilcox Boiler	OFA, SCR, ESP, ACI and DSI

7.1.3 Applicability Provisions

- a. An "affected boiler" for the purpose of these unit-specific conditions, is a boiler described in Conditions 7.1.1 and 7.1.2.
- b. Startup Provisions

Subject to the following terms and conditions, the Permittee is authorized to operate an affected boiler in violation of the applicable standards identified or cross-referenced in Condition 5.2.2(b) (35 IAC 212.123), Condition 7.1.4(b) (35 IAC 212.202), and Condition 7.1.4(d) (35 IAC 216.121) during startup. This authorization is provided pursuant to 35 IAC 201.149, 201.261 and 201.262, as the Permittee has applied for such authorization in its application, generally describing the efforts that will be used "...to minimize startup emissions, duration of individual startups and frequency of startups."

- i. This authorization does not relieve the Permittee from the continuing obligation to demonstrate that all reasonable efforts are made to minimize startup emissions, duration of individual startups and frequency of startups.
- ii. The Permittee shall conduct startup of an affected boiler in accordance with written procedures prepared by the Permittee and maintained in the control room for the boiler, that are specifically developed to minimize emissions from startups and that include, at a minimum, the following measures:
 - A. Use of natural gas to heat the boiler prior to initiating burning of coal.
 - B. Timely energization of the ESP as soon as this may be safely accomplished without damage or risk to personnel or equipment.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.1.9(g) and 7.1.10-2(a).
- iv. As provided by 35 IAC 201.265, an authorization in a permit for excess emissions

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during startup does not shield a Permittee from enforcement for any violation of applicable emission standard(s) that occurs during startup and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

c. Malfunction and Breakdown Provisions

Subject to the following terms and conditions, the Permittee is authorized to continue operation of an affected boiler in violation of the applicable standards identified or cross-referenced in Condition 5.2.2(b) (35 IAC 212.123), Condition 7.1.4(b) (35 IAC 212.202), and Condition 7.1.4(d) (35 IAC 216.121) in the event of a malfunction or breakdown of an affected boiler, including the coal crusher, the ash removal system, or the electrostatic precipitator. This authorization is provided pursuant to 35 IAC 201.149, 201.261, and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such continued operation would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.

- i. This authorization only allows such continued operation as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable reduce boiler load, repair the affected boiler, remove the affected boiler from service or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.1.9(h), and 7.1.10-3(a). For

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these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the boiler out of service.

- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.1.4 Applicable Emission Standards

- a. The applicable requirements for the opacity of the emission of smoke or other particulate matter from the affected boilers are set forth in Condition 5.2.2(b).
- b. The emissions of PM from each affected boiler shall not exceed 0.1 lb/mmBtu of actual heat input in any one hour period, pursuant to 35 IAC 212.202.
- c. The total emission of SO₂ from the affected boilers shall not exceed 105,162 lb/hour, pursuant to 35 IAC 214.143, 214.182, and 214.183. These are the SO₂ emissions allowed by the following formula in 35 IAC 214.183:

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$$E = \frac{(H_A)^{0.11} (H_E)^2}{128}$$

Where:

E = Total allowable emissions of SO₂, in pounds per hour into the atmosphere in any one-hour period, from all fuel combustion emission units owned or operated by such person and located within 1 mile from the center point of any such unit.

H_A = Average actual stack height as determined by method outlined in 35 IAC 214 Appendix C.

H_E = Effective height of effluent release as determined by method outlined in 35 IAC 214 Appendix C.

- d. The emissions of CO from each affected boiler shall not exceed 200 ppm, corrected to 50 percent excess air, pursuant to 35 IAC 216.121.
- e. Intentionally Blank.
- f. The EGUs at the source are subject to the following requirements related to NO_x emissions pursuant to 35 IAC Part 217 Subpart V:
 - i. During each ozone control period (May 1 through September 30):
 - A. The emissions of NO_x from each EGU shall not exceed 0.25 lb/mmBtu of actual heat input based on an ozone control period average, for the EGUs, pursuant to 35 IAC 217.706(a), or
 - B. Notwithstanding the requirement in Condition 7.1.4(f)(i)(A), if the Permittee elects to participate in a NO_x averaging plan pursuant to 35 IAC 217.708(a), the average rate of emissions of NO_x from the Permittee's EGUs and all other eligible EGUs that are participating in such NO_x averaging demonstration, shall not exceed 0.25 lb/mmBtu of actual heat input, as averaged for the ozone control period, pursuant to 35 IAC 217.708(a) and (b). For this purpose, eligible EGUs include:

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(1) EGUs at this source, which are authorized by this permit to participate in a NO_x averaging demonstration, and (2) any other EGU that is authorized to participate in a NO_x averaging plan by a CAAPP permit or other federally enforceable permit issued by the Illinois EPA to the owner or operator of that EGU.

Note: Given the emission determination methods specified by 35 IAC 217.710, the emissions of NO_x for purposes of these standards are generally calculated in accordance with the federal Acid Rain Program and are different from the emissions determined for purposes of the NO_x Trading Program.

- ii. If the Permittee elects to have an EGU comply by participation in a NO_x averaging demonstration as provided for and authorized above:
 - A. The EGUs shall be included in only one NO_x averaging demonstration during an ozone control period, pursuant to 35 IAC 217.708(d).
 - B. The NO_x averaging demonstration shall only include other EGUs that are authorized through a federally enforceable permit to participate in a NO_x averaging demonstration and for which the owner or operator of the EGU maintains the required records, data and reports and submits copies of such records, data, and reports to the Illinois EPA upon request, pursuant to 35 IAC 217.708(c) and (g).
 - C. The effect of failure of the NO_x averaging demonstration to show compliance shall be that the compliance status of the EGUs shall be determined pursuant to Condition 7.1.4(f)(i)(A) as if the NO_x emission rate of the EGUs was not averaged with other EGUs, pursuant to 35 IAC 217.708(f).

Note: The above requirements also apply as a matter of rule to EGUs other than the EGUs if the owner or operator of such other EGUs elects to participate in a NO_x averaging demonstration.

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- g. The Acid Rain Program applicable requirements for the affected boilers are set forth in Condition 6.2.
- h. The Cross-State Air Pollution Rule applicable requirements for the affected boilers are set forth in Condition 6.3.
- i. The Best Available Retrofit Technology applicable requirements for the affected boilers are set forth in Condition 6.4.
- j. The 35 IAC 225 Subpart B applicable requirements for the affected boilers are set forth in Condition 6.5.
- k. The Mercury and Air Toxics Standards rule applicable requirements for the affected boilers are set forth in Condition 6.6.
- l. The Consent Decree applicable requirements for the affected boilers are set forth in Condition 6.7.

7.1.5 Non-Applicability of Regulations of Concern

- a. Pursuant to Section 39.5(7) (a) of the Act,
 - i. The Permittee is shielded from the following rules for the affected boilers when the boilers are using coal (solid fuel) as their principal fuel. This is because incidental use of natural gas or liquid fuel generally serves as a good combustion practice for firing of solid fuel and does not provide a decrease in emissions that can be used to reduce the emission rate that must be achieved for the emissions associated with combustion of solid fuel.
 - A. 35 IAC 212.207.
 - ii. If an affected boiler is not using coal (solid fuel) as its principal fuel, the affected boiler shall comply with the requirements of the following conditions. During such periods, for PM emissions, Condition 7.1.5(a) (ii) (A) shall substitute for Condition 7.1.4(b):
 - A. The emissions of PM from the affected boiler in any one hour period shall not

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exceed the amount, in lb/hr, allowed by the formula in 35 IAC 212.207.

- iii. For the purpose of the above conditions, an affected boiler shall be considered to be using coal (solid fuel) as its principal fuel if the use of natural gas and/or fuel oil is incidental to the use of solid fuel, occurring for specific purposes associated with routine firing of solid fuel, such as startup, opacity reduction emission mitigation, flame stabilization, or other temporary interruption in solid fuel supply. A boiler shall not be considered to be using solid fuel as its principal fuel if the use of natural gas and/or fuel oil is more than incidental to the firing of solid fuel in the boiler or the use of solid fuel is incidental to the operation of the boiler.
 - iv. The Permittee shall notify the Illinois EPA if the status of an affected boiler changes to or from using coal (solid fuel) as its principal fuel. This notification shall be provided at least 7 days in advance of such change in status unless the change results from a sudden event that precludes such advance notification, in which case notification shall be provided as soon as practicable prior to the change.
- b. Pursuant to 35 IAC 201.403(a), the Permittee is not subject to the requirements of 35 IAC Part 201 Subpart L for opacity monitoring because the Permittee conducts opacity monitoring of the affected boilers in accordance with the provisions of the NSPS, as specified at 40 CFR 75.14 of the federal Acid Rain Program.
 - c. The affected boilers are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for SO₂ and NO_x Acid Rain Requirements, because the affected boilers are subject to Acid Rain Program requirements, pursuant to 40 CFR 64.2(b)(1)(iii).
 - d. The affected boilers are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for SO₂ (Condition 7.1.4(c)), NO_x (Conditions 6.2.2 and 7.1.4(f)), and mercury

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(Condition 6.5.4(a)) State Rule Requirements, pursuant to 40 CFR 64.2(b)(1)(vi) because the affected boilers are subject to an emission limitation or standard for which this CAAPP permit specifies a continuous compliance determination method.

- e. The affected boilers are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for CO (Condition 7.1.4(d)) State Rule Requirements because the affected boilers do not use an add-on control device to achieve compliance with an emission limitation or standard.
- f. The affected boilers are not subject to 40 CFR Part 60 Subpart Da, Standards of Performance for Electric Utility Steam Generating Units because the affected boilers did not commence construction, modification or reconstruction after September 18, 1978.
- g. The affected boilers are not subject to 40 CFR Part 60 Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units because the affected boilers do not combust any solid waste as that term is defined in 40 CFR part 241.
- h. The affected boilers are not subject to 40 CFR Part 63 Subpart DDDDD or JJJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers and Process Heaters. This is because electric utility steam generating units (EGUs) covered by 40 CFR 63 Subpart UUUUU are not subject to 40 CFR 63 Subpart DDDDD or JJJJJJ.
- i. The affected boilers are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for the emission standards set forth in Section 6.6 for mercury, filterable PM, total non-Hg HAP metals, individual non-Hg HAP metals, or Acid Gases, pursuant to 40 CFR 64.2(b)(1)(i), because the affected boilers are subject to emission limitations or standards proposed by the Administrator after November 15, 1990, i.e. 40 CFR Part 63, Subpart UUUUU.

7.1.6 Work Practices and Emissions Limitations

- a. As part of its operation and maintenance of the affected boilers, the Permittee shall perform a

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combustion evaluation on each boiler at least semi-annually, pursuant to Section 39.5(7)(d) of the Act. This evaluation shall consist of process measurements of the concentration of CO in the flue gas of the affected boiler, as well as any adjustments and/or corrective measures undertaken for the combustion systems of the boilers.

- b. In a semi-annual period in which the Permittee conducts a tune-up of the EGU burner and combustion controls as specified in Condition 6.6.3(e), such tune-up shall satisfy the semi-annual combustion evaluation requirement in Condition 7.1.6(a) for that period.
- c. Pursuant to Construction Permit 11120041, the Permittee shall install, operate and maintain instrumentation for the dry sorbent injection systems on the affected boilers to measure sorbent injection rates, by volume or mass. [T1]

7.1.7 Testing Requirements

Pursuant to Section 39.5(7)(d)(ii) of the Act, the Permittee shall have the PM and CO emissions of each affected boiler measured as specified below:

- a. i. Periodic PM emission measurements shall be made for the affected boilers within a time period determined from the compliance margin for the applicable PM emission standard, based on the results of the preceding PM measurement, as follows. For this purpose, the compliance margin is the extent to which the actual PM emissions as measured are lower than the applicable PM limit. For example, if the measured PM emissions of the affected boiler are 0.075 lb/mmBtu, the compliance margin for the applicable PM limit, 0.1 lb/mmBtu, would be 25 percent. $(0.100 - 0.075 = 0.025, 0.025/0.100 = 0.25$ or 25 percent)
- A. If the compliance margin is less than 20 percent, within 15 months of the previous measurement.
- B. If the compliance margin is between 20 and 40 percent, within 27 months of the previous measurement.

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- C. If the compliance margin is greater than 40 percent, within 39 months of the previous measurement.
- ii. Measurements of CO emissions shall be made as follows:
 - A. In conjunction with each subsequent measurement of PM emissions made pursuant to Condition 7.1.7(a)(i) (or a RATA for SO₂ or NO_x preceding such measurement), provided, however, that if measured CO emissions are no more than 100 ppm at 50 percent excess air, CO measurements need not be performed with the next PM measurement (or preceding RATA) but shall be performed with the second measurement of PM emissions following the measurement in which CO emissions were no more than 100 ppm (or a RATA preceding that PM measurement).
 - iii. A. If alternative fuel (i.e., any fuel other than coal, fuel oil, or gas) is greater than 3.0 percent by weight of the fuel burned in a boiler during a calendar quarter, unless measurements for PM and CO emissions have already been conducted while burning alternative fuel at a percentage that is greater than or equal to the percent of those materials burned in that calendar quarter or at the maximum rate at which the systems that feed alternative fuel to the boiler will be operated, the Permittee shall have measurements of PM and CO emissions from the boiler made during the next calendar quarter in which alternative fuel is burned in the boiler.
 - B. The Permittee shall conduct such measurements while firing the boiler at the lower of the following: (i) at least 1.25 times the percentage of alternative fuel material in the calendar quarter that triggered the testing; or (ii) at the maximum rate at which the systems that feed alternative fuel to the boiler will be operated. If the boiler has been burning a mix of alternative fuel

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materials, the mix of fuel during such measurements shall be approved by the Illinois EPA.

- C. The Permittee shall repeat such measurements if the percentage of alternative fuel burned in a boiler during a quarter is more than the percentage of such material being burned in the boiler when previous emission measurements were conducted.
- iv. Measurements of PM and CO emissions shall be made within 90 days (or such later date set by the Illinois EPA) following a request by the Illinois EPA for such measurements.
- b.
 - i. The Permittee shall operate each affected boiler at maximum normal operating load conditions during each performance test. Maximum normal operating load will be generally between 90 and 110 percent of design capacity but should be representative of unit specific normal operations during each test run, pursuant to 39.5(7)(c) and consistent with 40 CFR 63.10007(a)(2). In addition, the Permittee may perform measurements at other operating conditions to evaluate variation in emissions.
 - ii. Measurements shall be taken at an appropriate location in the stack associated with the affected boilers or another location in the exhaust ductwork of an individual boiler as approved by the Illinois EPA. If both boilers are operating, the boilers and their associated controls shall be operated in a similar manner while measurements are being performed, so that the results typify both boilers. If the operation of the affected boilers differs significantly, the Permittee may have to perform further measurements or separate measurements for each boiler at the request of the Illinois EPA, in accordance with Condition 7.1.7(a).
 - iii. The following Reference Methods and procedures shall be used for these measurements. Refer to 40 CFR 60, Appendix A for Reference Methods.

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Location of Sample Points	Reference Method 1
Gas Flow and Velocity	Reference Method 2
Flue Gas Weight	Reference Method 3
Moisture	Reference Method 4
Particulate Matter (PM)	Reference Method 5
Carbon Monoxide (CO)	Reference Method 10

Other test methods adopted by USEPA may be used in place of the above methods with the approval of the Illinois EPA.

- c. Except for minor deviations in test methods, as defined by 35 IAC 283.130, emission testing shall be conducted in accordance with a test plan prepared by the testing service or the Permittee and submitted to the Illinois EPA for review prior to emission testing, and the conditions, if any, imposed by the Illinois EPA as part of its review and approval of the test plan, pursuant to 35 IAC 283.220 and 283.230.
 - i. The Permittee shall submit this test plan within the time period provided in Condition 8.6.2 and the test plan shall include the information specified by Condition 8.6.2.
 - ii. Notwithstanding the above, as provided by 35 IAC 283.220(d), the Permittee need not submit a test plan for emission testing that will be conducted in accordance with the procedures used for previous tests accepted by the Illinois EPA or the previous test plan submitted to and approved by the Illinois EPA, provided that the Permittee's notification for testing, as required below, contains the information specified by 35 IAC 283.220(d)(1)(A), (B) and (C).
- d. The Permittee shall notify the Illinois EPA prior to conducting emission tests to enable the Illinois EPA to observe testing. Notification for the expected test date shall be submitted a minimum of 30 days prior to the expected date of testing. Notification of the actual date and expected time of testing shall be submitted a minimum of 5 working days prior to the actual test date. The Illinois EPA may on a case-by-case basis accept shorter advance notice if it would not interfere with the Illinois EPA's ability to observe testing.

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- e. The Permittee shall submit the Final Report(s) for any required emission testing to the Illinois EPA within 45 days after the test results are compiled and finalized but no later than 120 days after the date of testing. The Final Report shall include the information specified in Condition 8.6.3 and the following information:
 - i. Description of test method(s), including description of sampling points, sampling train, analysis equipment, and test schedule.
 - ii. A description of any minor deviations from the test plan, as provided by 35 IAC 283.230(a).
 - iii. Detailed description of operating conditions during testing, including:
 - A. Source(s) of fuel and specifications (ash, sulfur and heat content).
 - B. Boiler operating information, i.e., firing rate of the affected boiler(s) (mmBtu/hr), composition of fuel as burned (ash, sulfur and heat content), and fuel blending ratio (%), if a blend of fuels is burned.
 - C. Combustion system information, i.e., level of excess air in the flue gas, and levels of CO, CO₂ or O₂ in the flue gas.
 - D. Control equipment operating parameters during testing.
 - E. Load during testing (gross megawatt output and steam flow).
 - F. Information on the usage of alternative fuel during testing, if testing was conducted to satisfy Condition 7.1.7(a) (iii).
 - iv. Data and calculations, including copies of all raw data sheets and records of laboratory analyses, sample calculations, and data on equipment calibration.

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- v. The SO₂, NO_x, O₂ or CO₂, (hourly averages) and opacity data (6-minute averages) measured during testing.

7.1.8 Monitoring Requirements

- a. Pursuant to 40 CFR 75.14, and Section 39.5(7)(d)(iii) of the Act, the Permittee shall install, operate, calibrate and maintain continuous monitoring equipment for the measurement of opacity from the affected boilers. For this purpose, a "shared" monitoring system may be operated at a location in the stack that is common to the affected boilers.
 - i. The Permittee shall operate this equipment in accordance with the general provisions for opacity monitoring systems in 40 CFR 75.10.
 - ii. These monitors shall be the primary basis for reporting of exceedances of Condition 5.2.2(b). (See Conditions 7.1.10-2(a) and 7.1.10-3(a).)
- b. Pursuant to 40 CFR 75.11 and Section 39.5(7)(d)(iii) of the Act, the Permittee shall install, operate, calibrate and maintain a continuous emission monitoring system (CEMS) for the measurement of SO₂ emissions from the affected boilers.
 - i. This CEMS shall be used to demonstrate compliance with the limit in Condition 7.1.4(c) based on the average hourly SO₂ emission rate determined from monitored data from three-hour block averaging periods.
- c. Pursuant to 40 CFR 75.12, 35 IAC 217.710(a), and Section 39.5(7)(d)(iii) of the Act, the Permittee, shall install, calibrate, maintain and operate a CEMS for the measurement of NO_x emissions from the affected boilers, in accordance with the requirements of 40 CFR 75 Subpart B.
- d. Pursuant to Section 412 of the Clean Air Act and 40 CFR Part 75, the source is required to operate continuous monitors for the affected boilers for various parameters, including SO₂, NO_x, volumetric flow and opacity, along with a computerized data acquisition and handling system for collected data. (See also Condition 6.2.3) To the extent that

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applicable performance specifications and operating requirements for monitoring under 40 CFR Part 75 are inconsistent with the above requirements for monitoring, the procedures of 40 CFR Part 75 shall take precedence. (See also Condition 8.2)

e. Compliance Assurance Monitoring (CAM) Requirements

The affected boilers are subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for PM for the standard set forth or referenced in Conditions 6.7.2(a) and 7.1.4(b) as addressed in Condition 7.1.13-2.

7.1.9 Recordkeeping Requirements

a. Operational Records for the Affected Boilers

Pursuant to Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following operational records for the affected boilers:

- i. A. Load (in terms of either gross megawatts output or steam flow) on an hourly basis for each affected boiler.
- B. If the Permittee is relying on data for heat input for purposes of compliance with Condition 7.1.4(b) that is different from that recorded pursuant to the federal Acid Rain Program, records of heat input (mmBtu, on an hourly basis) or the conversion factors that the Permittee relies upon to convert from boiler load as recorded above to hourly heat input.
- ii. Records for each day when an alternative fuel (i.e., a fuel other than coal, gas or oil) was burned, including the estimated amount of each such material burned and the affected boiler(s) in which it was burned.
- iii. Total operating hours (hours/quarter) for each affected boiler.
- iv. A. Amount of coal consumed (tons/quarter).
- B. Amount of each alternative fuel consumed (tons, gallons, cubic feet per quarter, as appropriate).

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- v. A. Records of agreements with suppliers of alternative fuel(s), including origin of material, specifications for heat and ash content, and representative data for elemental composition of such material, including mercury and other heavy metals, chlorine and fluorine.
 - B. Records for each load of such fuel(s) received at the source, which shall include date, supplier name, type of fuel and amount (tons).
 - vi. Operating records, maintenance and repair records, or other records for each affected boiler documenting the performance of the combustion evaluation required by Condition 7.1.6(a), including the date of the evaluation, the concentrations of CO measured at the start and conclusion of the evaluation, and a description of any adjustments and/or corrective measures undertaken for the combustion systems of the boiler.
- b. Records for Control Equipment

Pursuant to Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following records for the air pollution control equipment on the affected boilers:

i. Maintenance and Repair Record

A maintenance and repair record for each control device, which shall list the activities performed, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)

ii. Electrostatic Precipitators (ESPs)

When an affected boiler served by the ESP is in operation:

- A. The status of each field in the ESP shall be recorded at least once per shift.
- B. The following numerical data shall be recorded at least once per day: (1)

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Primary voltages and currents; and (2)
Secondary voltages and currents.

iii. Electronic Instrumentation/Operating System
for the ESPs

- A. The documentation provided by the supplier including any recommended inspection and repair procedures.
- B. The operating procedure for the system developed by the Permittee.

iv. Selective Catalytic Reduction (SCR) Systems

- A. Manufacturer/vendor or Permittee developed operating and maintenance procedures.
- B. Operating records including system settings.
- C. Usage of reagent (tons/month).
- D. The maintenance and repair records for an SCR system shall also address activities related to the SCR catalyst, including addition or replacement of catalyst.

v. Activated Carbon Injection (ACI) Systems

Pursuant to Construction Permit 08070010, the Permittee shall maintain records for the ACI Systems:

- A. Operating records for the affected system that identify the sorbent that is being used and each period of time when the affected boiler was in operation when the system was not being operated. [T1R]
- B. Maintenance and repair records for the system that list the activities performed, with date and description. [T1]

c. Records for Continuous Opacity Monitoring Systems

Pursuant to Section 39.5(7) (e) of the Act, the Permittee shall maintain records for the opacity

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monitoring system on each affected boiler required by Condition 7.1.8(a) that shall include the following:

- i. Operating records for each opacity monitoring system, including:
 - A. Opacity measurements (6-minute, one-hour average and three-hour block average).
 - B. Performance testing measurements and evaluations, calibration checks, and other quality assurance/control activities.
 - C. Maintenance and adjustment performed.
 - D. Periods other than performance of quality assurance, calibration, and maintenance, as addressed above, when the monitor was inoperative, with reason.
 - E. Quarterly reports submitted in accordance with Conditions 7.1.10-2(a) and (d).
- ii. Records to address compliance with Conditions 5.2.2(b), including:
 - A. Each period when the opacity exceeded 30 percent on a 6-minute block average, with date, time, whether it occurred during startup, shutdown, malfunction or breakdown, and further explanation of the incident.

d. Records for Continuous SO₂ Monitoring Systems

Pursuant to Section 39.5(7)(e) of the Act, the Permittee shall maintain records for the SO₂ CEMS on the affected boilers required by Condition 7.1.8(b) that shall include:

- i. Operating records for the SO₂ CEMS, including:
 - A. SO₂ emission data in the units of the applicable standard (lb/mmBtu) .
 - B. Performance testing measurements and evaluations, calibration checks, and

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other quality assurance/control activities.

- C. Maintenance and adjustments performed.
 - D. Periods when the SO₂ CEMS was inoperative, with date, time and reason.
 - E. Data reduction information.
 - F. Quarterly reports submitted in accordance with Condition 7.1.10-2(b).
- ii. Records to verify compliance with the limitation of Condition 7.1.4(c), including:
 - A. SO₂ emissions in the terms of the applicable standard (lb/hour) from the affected boilers on an hourly basis, as derived from the data obtained by the SO₂ CEMS.
 - B. The date and time of any three-hour block averaging period when the total SO₂ emission rate, as recorded above, exceeded 105,162 lb/hour as allowed by Condition 7.1.4(c), with the calculated SO₂ emission rate. These records shall be prepared from the above records at least quarterly as needed to verify compliance with the limitation of Condition 7.1.4(c).
 - iii. The Permittee shall record for each hour the information required by 40 CFR 75.57(c) for each affected boiler.
- e. Records for Continuous NO_x Monitoring

Pursuant to Section 39.5(7)(e) of the Act and 35 IAC 217.712(a), the Permittee shall maintain records for the NO_x CEMS on the affected boilers required by Condition 7.1.8(c) in accordance with the applicable recordkeeping requirements of 40 CFR 75, that shall include the following:

 - i. Operating records for each NO_x CEMS, including:

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- A. NO_x emission data in the units of the applicable standards (lb/mmBtu) .
- B Performance testing measurements and evaluations, calibration checks and other quality assurance/control activities.
- C. Maintenance and adjustments performed.
- D. Periods when NO_x CEMS was inoperative, with date, time and reason.
- E. Data reduction information.
- F. Quarterly reports submitted in accordance with Condition 7.1.10-2(c) .
- ii. Records to verify compliance with the limitation of Conditions 7.1.4(f) including:
 - A. NO_x emissions in the terms of the applicable standard (lb/mmBtu) from the affected boilers on an hourly basis, as derived from the data obtained by the NO_x CEMS.
- iii. The Permittee shall record the applicable information required by 40 CFR 75.57(d) for each affected boiler.
- f. Acid Rain Program

Records for the continuous emission monitoring required for the affected boilers by the Acid Rain Program should be kept by the Permittee in accordance with 40 CFR Part 75, including the General Recordkeeping Provisions; the General Recordkeeping Provisions for Specific Situations, if applicable; and Certification, Quality Assurance and Quality Control Record Provisions [See Condition 6.2.3].
- g. Records for Startups of Affected Boilers, pursuant to Section 39.5(7) (b) of the Act
 - i. The Permittee shall maintain written startup procedures for each affected boiler, as required by Condition 7.1.3(b) (ii) .

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- ii. The Permittee shall maintain the following records related to startups of an affected boiler:
 - A. For all startups on each affected boiler.
 - I. Date, time, and duration of the startup.
 - II. A description of the startup, the reason(s) for the startup, and an indication of whether or not written startup procedures were followed. If any procedures were not followed, the records shall include any departures from established procedures and the reason the procedure could not be followed.
 - B. For each startup of an affected boiler where an exceedance of a relevant standard occurred during startup or the Permittee believes that compliance with the PM standard likely was not maintained during the startup, maintain the following additional records for such startup.
 - I. An explanation of the nature of such exceedance(s), including the qualitative or, if available, quantitative magnitude of such excess emissions.
 - II. A description of the actions taken or to be taken to minimize the magnitude and duration of any excess emissions.
 - III. An explanation whether similar incidents could be prevented in the future and if so, a description of the actions taken or to be taken to prevent similar incidents in the future.
 - C. For each startup when the duration of startup from initial firing of fuel to stable operation of the generating unit

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at load exceeded 26 hours maintain the following additional records for such startups.

- I. A description of the events that led up to the extended startup duration and reason(s) for the extended startup duration.
- II. The actions taken to minimize emissions and the duration of the startup.
- III. An explanation whether similar incidents might be prevented in the future and if so, the corrective actions taken or to be taken to prevent similar incidents.

h. Records for Continued Operation During Malfunctions And Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (e) of the Act, the Permittee shall maintain the following records related to malfunction and breakdown for the affected boilers:

- i. Maintenance and repair records for the affected boilers that address aspects or components of the boilers for which malfunction or breakdown has resulted in excess emissions, which shall list the activities performed on such aspects or components, with date, description and reason for the activity. In addition, in the maintenance and repair log(s) for control equipment required by Condition 7.1.9(b)(i), the Permittee shall also list the reason for the activities that are performed.
- ii. Records for each incident when operation of an affected boiler continued with excess opacity or emissions during malfunction or breakdown as addressed by Condition 7.1.3(c), that shall include the following information:
 - A. Date, time, duration (i.e., the length of time during which operation continued with excess opacity or emissions until corrective actions were taken or the

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boiler was taken out of service), and description of the incident.

- B. The corrective actions used to reduce the quantity of emissions and to reduce the duration of the incident.
- C. Confirmation of fulfillment of the requirements of Condition 7.1.10-3(a), as applicable, including copies of any follow-up reports submitted pursuant to Condition 7.1.10-3(a)(ii).
- D. If opacity during the incident exceeded the applicable standard, as listed in Condition 5.2.2(b), for two or more hours, emissions exceeded an applicable hourly standard, as listed in Condition 7.1.4(b) or (d), or the Permittee believes that compliance with an applicable hourly PM standard, as listed in Condition 7.1.4(b), likely was not maintained:
 - I. A detailed explanation of:
 - (1) Why continued operation of the affected boiler was necessary, and
 - (2) The probable cause of the incident.
 - II. The preventative measures that have been or will be taken to prevent similar incidents or reduce their frequency and severity, including any repairs to the affected boilers and associated equipment and any changes to operating and maintenance procedures.
- E. If PM emissions during the incident exceeded an applicable hourly standard, as listed in Condition 7.1.4(b), or the Permittee believes that compliance with the PM standard likely was not maintained, estimates of the magnitude of emissions of PM during the incident, with

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magnitude estimated on a qualitative or, if available, quantitative basis.

- F. If CO emissions during the incident exceeded an applicable hourly standard, as listed in Condition 7.1.4(d), estimates of the magnitude of emissions of CO during the incident, with magnitude estimated on a qualitative or, if available, quantitative basis.

i. Records for Continuous Monitoring Systems

i. Monitoring Plans

- A. Pursuant to 40 CFR 75.53(a)(2), the Permittee shall prepare and maintain a monitoring plan for each continuous emissions or opacity monitoring system. The monitoring plan shall contain sufficient information on the continuous emission or opacity monitoring system to demonstrate that all unit SO₂ emissions, NO_x emissions, CO₂ emissions, and opacity are monitored and reported.
- B. Pursuant to 40 CFR 75.53(b), whenever the Permittee makes a replacement, modification, or change in the certified CEMS or continuous opacity monitoring system, including a change in the automated data acquisition and handling system or in the flue gas handling system, that affects information reported in the monitoring plan, then the Permittee shall update the monitoring plan.
- C. Pursuant to 40 CFR 75.53(e), each monitoring plan shall contain the information specified in 40 CFR 75.53(e)(1) in electronic format and the information specified in 40 CFR 75.53(e)(2) in hardcopy format. Electronic storage of all monitoring plan information, including the hardcopy portions, is permissible provided that a paper copy of the information can be furnished upon request for audit purposes.

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ii. General recordkeeping provisions

- A. Pursuant to 40 CFR 75.57(a), the Permittee shall maintain for each affected boiler records of all continuous monitoring system measurements, data, reports, and other information required by 40 CFR Part 75 at the source in a form suitable for inspection for at least three (3) years from the date of each record.
 - B. Pursuant to 40 CFR 75.57(b), the Permittee shall record for each affected boiler hourly information on unit operating time, heat input rate, and load, as specified at 40 CFR 75.57(b) (1) through (7).
- j. Pursuant to Construction Permit 11120041, the Permittee shall maintain operating records for the rate of application of sorbent (tons/hour) for each affected boiler. [T1]

7.1.10-1 Reporting Requirements - Reporting of Deviations

a. Prompt Reporting of Deviations

For each affected boiler, the Permittee shall promptly notify the Illinois EPA of deviations from permit requirements as specified below. These notifications shall include a description of such deviations, including whether they occurred during startup or malfunction/breakdown, and a discussion of the probable cause of such deviations, any corrective actions taken, and any preventative measures taken [Section 39.5(7)(f)(ii) of the Act].

- i. For those breakdown or malfunction PM or opacity events that require notification and reporting pursuant to Condition 7.1.10-3(a), notification and reporting shall be provided pursuant to Condition 7.1.10-3(a) rather than 7.1.10-2(d).
- ii. Notification with the quarterly or annual reports required by Conditions 7.1.10-2(b), (c), (d) and (e) for deviations from Conditions 7.1.4(a), (b), (c) and (f) and from the requirements of Condition 7.1.8 for emissions monitoring, unless notification and

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reporting for that deviation is required pursuant to Condition 7.1.10-3(a).

- iii. Notification with the quarterly reports required by Condition 7.1.10-2(a) for deviations from the work practice requirements and recordkeeping requirements.

b. Periodic Reporting of Deviations

The quarterly reports required by Condition 7.1.10-2(a) shall include the following information for the affected boilers related to deviations from permit requirements during the quarter [Sections 39.5(7) (a) and (f) (i) of the Act].

- i. A listing of all notifications and reports for instances of deviations that have been provided in writing to the Illinois EPA pursuant to Condition 7.1.10-3(a). For this purpose, the Permittee need not resubmit copies of these previous notifications or reports but may elect to supplement such material.
- ii. Detailed information, as required by Condition 7.1.10-1(a) (ii) or (iii), for all other deviations not addressed in the above listing.

7.1.10-2 Reporting Requirements - Regular Reports

a. Quarterly Reports

In place of the semi-annual monitoring reports otherwise required by Condition 8.6.1, the Permittee shall submit quarterly reports to the Illinois EPA pursuant to Sections 39.5(7) (a) and (f) of the Act.

- i. These reports shall include the following information for operation of the affected boilers during the quarter:
 - A. The total operating hours for each affected boiler, as also reported in accordance with 40 CFR Part 75.
 - B. The greatest hourly load achieved by each affected boiler (steam flow or gross megawatts).

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- C. A discussion of significant changes in the fuel supply to the affected boilers, if any, including changes in the source of coal, the introduction of new fuel materials other than coal, gas and oil, and changes in the source of such other fuel materials or the maximum rate at which they will be fired.
 - D. A list of the startups of each affected boiler, including the date, duration and description of each startup, accompanied by a copy of the records maintained pursuant to Condition 7.1.9(g)(ii)(C) for each startup for which such records were required.
- ii. These reports shall include the information specified in Conditions 7.1.10-2(b), (c) and (d) for SO₂, NO_x, and PM emissions and opacity from the affected boilers during the quarter and for the operation of required continuous monitoring systems during the quarter.
 - iii. A. These reports shall be submitted after the end of every calendar quarter as follows:

Monitoring Period	Submittal Deadline
January - March	May 15
April - June	August 15
July - September	November 15
October - December	February 15

b. Reporting of SO₂ Emissions

Pursuant to Sections 39.5(7)(a) and (f) of the Act, the Permittee shall report the following information for the affected boilers to the Illinois EPA with its quarterly reports pursuant to Condition 7.1.10-2(a):

- i. Summary information on the performance of the SO₂ CEMS, including the information for a "Summary Report" specified by 40 CFR 60.7(d). When the SO₂ CEMS was not inoperative,

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repaired or adjusted, such information shall be stated in the report as specified by 40 CFR 60.7(c)(4).

- ii. If specifically requested by the Illinois EPA or the CEMS downtime was more than 5 percent of the total operating time for the affected boilers: the date and time identifying each period during which the CEMS was inoperative except for zero and span checks, and the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR Part 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter, a listing of any days when a required daily calibration was not performed, and the date and duration of any periods when the CEMS was "out-of-control" as addressed by 40 CFR 75.24.
- iii. The following information for each period when SO₂ emissions were in excess of the applicable standard specified in Condition 7.1.4(c)*. When there were no such exceedances, this shall be stated in the report.
 - A. The starting date and time of the SO₂ excess emissions.
 - B. The duration of the excess emissions.
 - C. The one-hour and three-hour average (lb/hour) for each three-hour block of excess emissions.
 - D. A detailed explanation of the cause of the excess emissions if known, including whether such excess emissions, occurred during startup, malfunction or breakdown of the boiler.
 - E. A detailed explanation of any corrective actions taken.
- * For SO₂ emissions, the averaging period is a three-hour block average, as used to determine compliance with the limitations of Condition 7.1.4(c). The records for excess emissions shall consist of three-

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hour block emission averages during which the limitation was exceeded.

c. Reporting of NO_x Emissions

Pursuant to Sections 39.5(7)(a) and (f) of the Act, the Permittee shall report the following information for the affected boilers to the Illinois EPA with its quarterly reports pursuant to Condition 7.1.10-2(a):

- i. Summary information on the performance of the NO_x CEMS, including the information for a "Summary Report" specified by 40 CFR 60.7(d). When the NO_x CEMS was not inoperative, repaired or adjusted, such information shall be stated in the report as specified by 40 CFR 60.7(c)(4).
- ii. If specifically requested by the Illinois EPA or the CEMS downtime was more than 5 percent of the total operating time for the affected boilers: the date and time identifying each period during which the CEMS was inoperative except for zero and span checks, and the nature of CEMS repairs or adjustments and a summary of quality assurance data consistent with 40 CFR Part 75, i.e., the dates and results of the Linearity Test(s) and any Relative Accuracy Test Audit(s) during the quarter, a listing of any days when a required daily calibration was not performed, and the date and duration of any periods when the CEMS was "out-of-control" as addressed by 40 CFR 75.24.

d. Reporting Related to Opacity and PM Emissions

Pursuant to Sections 39.5(7)(b) and (f) of the Act, the Permittee shall report the following information for the affected boilers to the Illinois EPA with its quarterly reports pursuant to Condition 7.1.10-2(a):

- i. Information on the performance of the opacity monitoring system and excess emissions, as required for a "Summary Report" as specified by 40 CFR 60.7(d). Additionally, the quarterly report shall also include:

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- A. The total operating time of the affected boiler; and
 - B. The operating status of the opacity monitoring system, including the dates and times of any periods during which it was inoperative except for zero and span checks.
- ii. When no excess opacity occurred or the continuous opacity monitoring system has not been inoperative, repaired or adjusted, such information shall be stated in the report as specified by 40 CFR 60.7(c)(4).
 - iii. The following information for each period when opacity exceeded 30 percent, based on a 6-minute block average:
 - A. A summary of information for each period of excess opacity that includes:
 - I. The starting date and time of the excess opacity.
 - II. The duration of the excess opacity.
 - III. The magnitude of excess opacity, based on six minute average opacity, including:
 - a. The percent opacity for each six-minute period in excess of the applicable standard.
 - b. The start time of each six-minute period in excess of the applicable standard.
 - IV. The cause of excess opacity, if known, including whether such excess opacity occurred during startup, malfunction or breakdown of an affected boiler.
 - V. Any corrective actions taken.
 - VI. Identification of any previous reports for the incidents during the quarter submitted to the Illinois EPA

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pursuant to Condition 7.1.10-3(a)(ii). For this purpose, the Permittee need not resubmit copies of such report but may elect to supplement such material.

VII. Information required by Conditions 7.1.9(h)(ii)(A), (B), and (D)(I) for incidents when operation of an affected boiler continued during malfunction or breakdown with excess opacity that are not addressed by individual reports submitted pursuant to Condition 7.1.10-3(a)(ii).

Note: Because the Permittee is reporting in accordance with the requirements of the NSPS, 40 CFR 60.7(c) and (d) for an affected boiler for opacity, pursuant to the federal Acid Rain Program, as included above, the Permittee is not subject to reporting pursuant to 35 IAC 201.405 [35 IAC 201.403(a)].

iv. The following information for periods when PM emissions were in excess of the limitation in Condition 7.1.4(b). If there were no such periods of excess emissions during the reporting period, the quarterly report shall so state.

A. A summary of information for each period of excess emissions that includes:

- I. The starting date and time of the excess emissions.
- II. The duration of the excess emissions.
- III. The qualitative or, if available, quantitative magnitude of the excess emissions.
- IV. The means by which the excess emissions were indicated or identified, if other than the level of opacity.

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- V. A detailed explanation of the cause of the excess emissions, including whether the excess emissions occurred during startup, malfunction or breakdown.
 - VI. A detailed explanation of any corrective actions taken.
 - VII. Identification of the previous reports for incidents submitted to the Illinois EPA pursuant to Condition 7.1.10-3(a)(ii), if any. For this purpose, the Permittee need not resubmit copies of such report but may elect to supplement such material.
- v. The following further information related to opacity exceedances or groups of opacity exceedances during the quarter that resulted from the same or similar cause(s):
- A. For opacity exceedances or groups of exceedances with "recurring" cause(s) (i.e., cause(s) that also resulted in exceedances(s) during the previous quarter): an explanation of any particular circumstances or factors during the current quarter that affected the number or magnitude of such exceedances; a discussion of any changes in the corrective actions taken in response to such exceedances during the current quarter as compared to the previous quarter; and a discussion of any additional preventative measures that were taken during the current quarter to reduce the number or magnitude of exceedances.
 - B. For opacity exceedances or groups of exceedances with "new" cause(s) (i.e., cause(s) that did not result in opacity exceedance(s) during the previous quarter): an explanation of the cause(s) or probable cause(s) of such exceedance(s), to the extent known; a discussion of any particular circumstances or factors during the

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quarter that resulted in such exceedance(s); the corrective action(s) taken, if any, with explanation of how those action(s) functioned to end the exceedance(s); and a discussion of any preventive measures taken to reduce the number or magnitude of exceedance(s).

- vi. A glossary of specialized technical terms commonly used by the Permittee in its reports pursuant to this Condition 7.1.10-2(d).
- e. Reporting of NO_x Emissions for the Ozone Control Period

The Permittee shall submit a report to the Illinois EPA by November 30 of each year that demonstrates whether the affected boilers have complied with Condition 7.1.4(f), pursuant to 35 IAC 217.712(d) and (e).

- i. If the Permittee is demonstrating compliance on a unit-specific basis with Condition 7.1.4(f)(i)(A), this report shall contain the information specified by 35 IAC 217.712(d) including the heat input and NO_x emissions of the units for the ozone control period.
- ii. If the Permittee is demonstrating compliance by means of "NO_x averaging" as authorized by Condition 7.1.4(f)(ii)(B), this report shall contain the information specified by 35 IAC 217.712(e) and other related information as follows:
 - A. In all cases, for each affected boiler covered by this permit that is participating in a NO_x average demonstration, the Permittee shall report the following:
 - I. Identification of the other EGUs that are participating in the demonstration, including identification of the source that is the lead party for the demonstration and that is also taking responsibility for submitting the information required

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by Condition 7.1.10-2(e) (ii) (B)
below.

- II. A statement confirming that the unit is eligible to participate in an averaging demonstration, i.e., the unit is included in only one demonstration [35 IAC 217.708(d)] and the Permittee is complying with applicable recordkeeping and reporting requirements for the unit, pursuant to 35 IAC 217.708(c) and (g).
 - III. The average NO_x emission rate for the unit, with calculations and supporting information, as required by 35 IAC 217.712(e) (2) and (3), including the heat input and NO_x emissions of the unit for the ozone control period.
 - IV. A statement whether the unit would show compliance on their own in the absence of averaging.
- B. If the Permittee is the lead party for a NO_x averaging demonstration that includes units operated by other companies, the Permittee shall report the following:
- I. Copies of the information provided by other parties to the lead party for the EGU participating in the demonstration, which include all material required by Condition 7.1.10-2(e) (ii) (A) above (unless or except as this information is provided with the submittal by a person who is a responsible official for the EGU participating in the demonstration).
 - II. The averaged NO_x emission rate for all EGUs participating in the demonstration, with complete supporting calculations, as required by 35 IAC 217.712(e) (1).

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III. A statement whether the
demonstration shows compliance.

- f. Submittal of Supplemental Information Related to NO_x Emissions during the Ozone Control Period

The Permittee shall submit copies of any records and data required by 35 IAC 217.712 to the Illinois EPA within 30 days after receipt of a written request by the Illinois EPA [35 IAC 217.712(g)].

- g. Acid Rain Program Reporting

Pursuant to Section 412 of the Clean Air Act and 40 CFR Parts 72 and 75, the source is subject to the reporting requirements of 40 CFR Part 75, which includes General Provisions; Notifications; Initial Certification or Recertification Application; Quarterly Reports; and Opacity Reports [See Condition 6.2.3]. Pursuant to Section 39.5(17)(m) of the Act, the designated representative of the source must concurrently submit to the Illinois EPA in the same electronic format specified by the USEPA, the data and information submitted to USEPA on a quarterly basis pursuant to 40 CFR 75.64.

7.1.10-3 Reporting Requirements - Notifications

- a. Reporting When Continued Operation Occurred During Malfunctions And Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA for incidents when operation of an affected boiler continued with excess emissions or excess opacity during malfunction or breakdown as addressed by Condition 7.1.3(c). These requirements do not apply to such excess emissions, if any, that occur during startup or shutdown of the affected boiler.

- i. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone, facsimile or electronic mail, for each incident in which the opacity from an affected boiler exceeds 30 percent for eight or more 6-minute averaging periods within a two-hour period unless the Permittee has begun the shutdown of the affected boiler by such time. (Otherwise, if opacity during an incident only

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exceeds 30 percent for no more than seven 6-minute averaging periods within a two-hour period, the Permittee need only report the incident in the quarterly report, in accordance with Condition 7.1.10-2(d).)

- ii. Upon conclusion of each incident in which the applicable PM emission standard was exceeded or in which an exceedance of the opacity standard is two hours or more in duration, the Permittee shall submit a follow-up report to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a copy of the records for the incident required by Condition 7.1.9(h) (ii) (A), (B) and (D).

7.1.11 Anticipated Operating Scenarios/Operating Flexibility

The Permittee is authorized to make the following operational changes with respect to each affected boiler without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7) (a) and (1) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements; to properly obtain a construction permit in a timely manner for any activity constituting construction or modification as defined in 35 IAC 201.102 or, as applicable, 40 CFR 52.21(a) (2) or 35 IAC 203.207; and to comply with other legal requirements that apply to such a change:

- a. Operation of additional air pollution control equipment, which is addressed by a separate construction permit.
- b. Burning of coal or a mix of coal from different suppliers.
- c. Burning of the following materials in conjunction with burning of standard fuels, provided that such materials can be accommodated with the existing fuel handling system and the burners in the affected boilers, and such materials do not make up more than 10 percent by weight of the fuel supply to the boiler on a quarterly basis:
 - i. Used oil generated at the source.
 - ii. Alternative fuels that do not constitute waste and were not generated from municipal waste or

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hazardous waste, provided that such fuels are shipped to the source in homogeneous form prepared for use as fuel (e.g., a shipment of tire derived fuel). Such alternative fuels include materials such as petroleum coke, tire derived fuel (as defined at Section 54.10b of the Act), clean lumber (as defined at 40 CFR 60.2265), shredded polyethylene agricultural containers, and seed corn.

Note: Other requirements unrelated to air pollution control may apply to burning of alternative fuels, such as Standards for Management of Used Oil, 35 IAC Part 739.

7.1.12 Compliance Procedures

- a. i. Compliance with the opacity limitation of Condition 5.2.2(b) (30 percent opacity) is addressed by the average opacity calculated from 6-minute periods of opacity measurements from the continuous opacity monitoring system operated in accordance with the relevant requirements of Condition 7.1.8(a) and the recordkeeping requirements of Condition 7.1.9.
- ii. Notwithstanding Condition 7.1.12(a) (i) above, should the Permittee choose to rely on 35 IAC 212.123(b) to allow opacity greater than 30 percent (6-minute average) from the affected boilers, the Permittee shall do the following:
 - A. Maintain records for the affected boilers of short-term opacity data, that is, either a continuous chart recording of measured opacity, a record of discrete measurements of opacity taken no more than 15 seconds apart, or a record of 1-minute average opacity data determined from four or more data points equally spaced during each minute period, to determine whether opacity from the boilers exceeded 30 percent opacity.
 - B. Have the capability to review such short-term opacity data for the affected boilers to identify:
 - I. Any hour in which opacity exceeded 30 percent, and then, for such

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hour: (1) the duration of opacity in excess of 30 percent; (2) whether opacity ever exceeded 60 percent; and (3) whether the duration of opacity in excess of 30 percent was more than 8 minutes in aggregate.

II. Whether opacity in excess of 30 percent occurred in more than three hours in a 24-hour period.

- C. For other emission units at the source, have the ability to review any opacity data required to be collected and kept pursuant to other provisions of this permit and that is representative of such units.
- D. In the reports required by Condition 7.1.10-2(d), confirm that the relevant short-term opacity data shows that the terms of 35 IAC 212.123(b) are satisfied when 35 IAC 212.123(b) is relied upon.
- E. Notify the Illinois EPA with its next quarterly report if it changes the type of short term opacity data that it is collecting pursuant to Condition 7.1.12(a)(ii)(A) for use in conjunction with reliance on 35 IAC 212.123(b).

Note: Because the affected boilers are ducted to a common stack served by a single opacity monitor, the two affected boilers must be treated as a single emission unit if the Permittee chooses to rely on 35 IAC 212.123(b).

- b. Compliance with PM emission limitation of Condition 7.1.4(b) is addressed by testing requirements in Condition 7.1.7, continuous opacity monitoring in accordance with Condition 7.1.8(e) and the relevant recordkeeping required by Condition 7.1.9.
- c. Compliance with the SO₂ emission limitation of Condition 7.1.4(c) is addressed by continuous emission monitoring in accordance with Condition 7.1.8(b) and the relevant recordkeeping required by Condition 7.1.9(d).

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- d. Compliance with the CO emission limit of Condition 7.1.4(d) is addressed by the required work practices in Condition 7.1.6(a), emission testing in accordance with Conditions 7.1.7 and the relevant recordkeeping required by Condition 7.1.9.
- e. Compliance with the NO_x emission limitation of Condition 7.1.4(f) is addressed by the continuous monitoring and the relevant recordkeeping required by Conditions 7.1.8(c) and 7.1.9(e).
- f. Compliance with the work practices required by Condition 7.1.6(a) is addressed by the relevant recordkeeping required by Condition 7.1.9.

Note: This condition is included in this permit pursuant to Section 39.5(7) (p) (v) of the Act.

7.1.13-1 Intentionally Blank.

7.1.13-2 Compliance Assurance Monitoring Requirements

- a. Pursuant to 40 CFR 64.7(a), the Permittee shall comply with the CAM requirements in Tables 7.1.13a and 7.1.13b below.
- b. Intentionally Blank.
- c. Pursuant to 40 CFR 64.7(a), the Permittee shall comply with the following CAM requirements and the requirements in Condition 7.1.13-2(d) through (g).
 - i. Proper Maintenance and Continued Operation
 - A. Pursuant to 40 CFR 64.7(b), at all times, the Permittee shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
 - B. Pursuant to 40 CFR 64.7(c), except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the Permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the

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pollutant-specific emissions unit (PSEU) is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of 40 CFR Part 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The Permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

ii. Response to Excursions

- A. Pursuant to 40 CFR 64.7(d)(1), upon detecting an excursion, the Permittee shall restore operation of the PSEU (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distributed control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

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- B. Pursuant to 40 CFR 64.7(d)(2), determination of whether the Permittee has used acceptable procedures in response to an excursion will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

d. Recordkeeping

Pursuant to 40 CFR 64.9(b)(1), the Permittee shall maintain records of the monitoring data, monitor performance data, corrective actions taken, monitoring equipment maintenance, any written quality improvement plan required pursuant to 40 CFR 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under Conditions 7.1.9(c)(i) or 7.1.13-2 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

e. Reporting

Pursuant to Sections 39.5(7)(b) and (f) of the Act, the Permittee shall submit the following as part of the Quarterly Monitoring Reports required by Condition 7.1.10-2.

- i. Summary information on the number, duration, and cause of excursions, and the corrective actions taken, pursuant to 40 CFR 64.6(c)(3), 40 CFR 64.9(a)(2)(i), and Condition 7.1.10-2(d)(iv), except as otherwise provided in 40 CFR Part 64, including 64.7(d).
- ii. Summary information on the number, duration, and cause for monitoring equipment downtime incidents, other than downtime associated with calibration checks, pursuant to 40 CFR 64.6(c)(3), 40 CFR 64.9(a)(2)(ii), and Condition 7.1.10-2(d)(i) and (ii).

f. Quality Improvement Plans (QIP)

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Pursuant to 40 CFR 64.8, based on the results of any future determination made under 40 CFR 64.7(d)(2), the Administrator or the Illinois EPA may require the Permittee to develop and implement a QIP under separate permit action, as appropriate, under Sections 39.5(14), (15), or (16) of the Act.

g. Need for Improved Monitoring

Pursuant to 40 CFR 64.7(e), if the Permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the Permittee shall promptly notify the Illinois EPA within 30 days of identification and, if necessary, submit to the Illinois EPA a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

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Table 7.1.13a - CAM Plan for Boilers 1 and 2 - 35 IAC 212.202

PSEU Designation:	Boilers 1 and 2 (Common Stack)
Pollutant:	Particulate Matter (PM) Emissions
Indicators:	#1) Opacity
General Criteria	
The Monitoring Approach Used to Measure the Indicators:	Opacity is measured using a transmissometer. The transmissometer measures the opaqueness of the flue gas exhaust using a beam of light that traverses the stack diameter, which generates an electrical signal that is proportional to the opacity.
The Indicator Range Which Provides a Reasonable Assurance of Compliance:	An excursion is defined as an event during which a measured opacity exceeds 30 percent, based on a three-hour rolling average of COMS data, excluding those events defined as startup, shutdown or malfunction. The opacity indicator level has been established at a level that provides reasonable assurance that particulate matter emissions are in compliance when opacity is equal to or less than the indicator level.
Quality Improvement Plan (QIP) Threshold Levels:	A QIP is not being considered at the time of this CAM Plan submission. Currently, there is no indication of any deficiencies in the monitoring approach selected. The COMS monitoring requirements provide the specific QA/QC procedures for data collection, recordkeeping and reporting for determining "reasonable" assurance of compliance with the applicable PM limitation.
Performance Criteria	
The Specifications for Obtaining Representative Data:	The COMS are installed at representative locations in the exhaust stack per 40 CFR Part 60, Appendix B, PS-1 requirements.
Verification Procedures to Confirm the Operational Status of the Monitoring:	N/A. The COMS were installed and qualified for use to determine compliance with state opacity standards. Verification Procedures are not necessary.
Quality Assurance and Quality Control (QA/QC) Practices that Ensure the Validity of the Data:	40 CFR Part 60, Appendix B, Performance Specification 1 and 40 CFR Part 75 QA/QC procedures.
The Monitoring Frequency:	Opacity is measured continuously. Opacity data is reduced in accordance with procedures in 40 CFR 60.13.
The Data Collection Procedures That Will Be Used:	The three-hour rolling average is calculated and reported in the CEM Data Acquisition System. Alarm set points are established to alert operators of problems.
The Data Averaging Period For Determining Whether an Excursion Has Occurred:	Three-hour rolling averages

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Table 7.1.13b - CAM Plan for Boilers 1 and 2 - Consent Decree - Paragraph 92

PSEU Designation:	Boilers 1 and 2 (Common Stack)
Pollutant:	Particulate Matter (PM) Emissions
Indicators:	#1) Opacity
General Criteria	
The Monitoring Approach Used to Measure the Indicators:	Opacity is measured using a transmissometer. The transmissometer measures the opaqueness of the flue gas exhaust using a beam of light that traverses the stack diameter, which generates an electrical signal that is proportional to the opacity.
The Indicator Range Which Provides a Reasonable Assurance of Compliance:	An excursion is defined as an event during which a measured opacity exceeds 11 percent, based on a six-hour block average of COMS data, excluding those events defined as startup, shutdown or malfunction. The opacity indicator level has been established at a level that provides reasonable assurance that particulate matter emissions are in compliance when opacity is equal to or less than the indicator level.
Quality Improvement Plan (QIP) Threshold Levels:	A QIP is not being considered at the time of this CAM Plan submission. Currently, there is no indication of any deficiencies in the monitoring approach selected. The COMs monitoring requirements provide the specific QA/QC procedures for data collection, recordkeeping and reporting for determining "reasonable" assurance of compliance with the applicable PM limitation.
Performance Criteria	
The Specifications for Obtaining Representative Data:	The COMS are installed at representative locations in the exhaust stack per 40 CFR Part 60, Appendix B, PS-1 requirements.
Verification Procedures to Confirm the Operational Status of the Monitoring:	N/A. The COMS were installed and qualified for use to determine compliance with state opacity standards. Verification Procedures are not necessary.
Quality Assurance and Quality Control (QA/QC) Practices that Ensure the Validity of the Data:	40 CFR Part 60, Appendix B, Performance Specification 1 and 40 CFR Part 75 QA/QC procedures.
The Monitoring Frequency:	Opacity is measured continuously. Opacity data is reduced in accordance with procedures in 40 CFR 60.13.
The Data Collection Procedures That Will Be Used:	The six-hour average is calculated and reported in the CEM Data Acquisition System. Alarm set points are established to alert operators of problems.
The Data Averaging Period For Determining Whether an Excursion Has Occurred:	Six-hour block averages.

7.2 Coal Handling Equipment

7.2.1 Description

The Permittee transfers and stores coal in a series of operations, including various conveyor belts (with associated hoppers, diverters, and transfer points), storage piles (with stackers and feeders), and silos. These operations first handle coal and then, after the crushers, coal that has been processed at the source by the coal processing equipment (See Section 7.3). Particulate matter (PM) emissions associated with these operations are controlled by various measures such as the moisture content of the coal, enclosures and covers, dust suppression, or dust collection devices.

Note: The description in Condition 7.2.1 is for informational purposes only and implies no limits or constraints.

7.2.2 List of Emission Units

Coal Transfer Conveyors
Coal Storage Piles
Coal Surge Bins
Fuel Silos (coal)

7.2.3 Applicability Provisions

- a. The "affected operations" for the purpose of these unit-specific conditions are the emission units that are used solely for the purpose of transferring coal or other solid fuel from one location to another or for storage of coal or other solid fuel, without changing the size of the fuel, e.g., by crushing or screening, as described in Conditions 7.2.1 and 7.2.2.
- b. Subject to the following terms and conditions, the Permittee is authorized to continue operation of an affected operation in violation of the applicable standards identified or cross-referenced in Condition 5.2.2(b) (35 IAC 212.123) and Condition 7.2.4(c) (35 IAC 212.321(a)) in the event of a malfunction or breakdown of an affected operation. This authorization is provided pursuant to 35 IAC 201.149, 201.261 and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such continued operation would be required to provide essential service or to

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prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.

- i. This authorization only allows such continued operation as related to the operation of the coal-fired boilers as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable repair the affected operation, remove the affected operation from service or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.2.9(e) and 7.2.10(b). For this purpose, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the affected operation out of service.
- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such

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violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.2.4 Applicable Emission Standards

- a. The standard that addresses fugitive emissions, as defined by 35 IAC 211.2490, of the affected operations is set forth in Condition 5.2.2(a).
- b. The standard that addresses the opacity of the emission of smoke or other particulate matter from the affected operations is set forth in Condition 5.2.2(b).
- c. The affected processes listed below shall comply with 35 IAC 212.321(a): "no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of [35 IAC 212.321]." Each unit, i.e. each conveyor or surge bin, shall demonstrate compliance individually. (See also Attachment 1.) [35 IAC 212.321(a)].
 - i. Coal Transfer Conveyors
 - ii. Surge Bin with Bin Vents
 - iii. Coal Storage Silos

7.2.5 Non-Applicability of Regulations of Concern

- a. The affected operations listed below are not subject to 35 IAC 212.321 or 212.322 because of the disperse nature of the operations, as generally addressed by 35 IAC 212.323:
 - i. Coal Storage Piles
- b. The affected operations are not subject to NSPS, "Standards of Performance for Coal Preparation and Processing Plants," 40 CFR 60 Subpart Y, because the

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affected operations were not constructed, reconstructed or modified after October 24, 1974, or May 27, 2009, as applicable.

- c. The affected operations are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for PM because the affected operations do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

7.2.6 Work Practices and Emission Limitations

- a.
 - i. The Permittee shall implement and maintain the control measures for the affected operations, such as enclosure, natural surface moisture, application of dust suppressant, and use of dust collection devices, for emissions of particulate matter to support the periodic monitoring for the applicable requirements in Conditions 7.2.4 and 7.2.6(b), pursuant to Section 39.5(7)(a) of the Act.
 - ii. The control measures implemented and maintained shall be identified and operated in conformance with the "Control Measures Record" required by Condition 7.2.9(b)(i) to satisfy Condition 7.2.6(a)(i), which record is incorporated by reference into this permit by Condition 5.2.7.
- b.
 - i. PM emissions from each baghouse on the Tripper Rooms on the North and South Coal Silo Bays shall not exceed 0.33 lb/hr and 1.45 tons per year. [T1]
 - ii. The annual throughput of the coal handling equipment shall not exceed 26.28 million tons per year. [T1]
 - iii. Compliance with annual limitations in Condition 7.2.6(b)(i) shall be determined on a monthly basis from the sum of the data for the current month plus the preceding 11 months (running 12 month total). [T1]

Note: The above limitations were originally established in Permit 97080088.

7.2.7 Opacity Observations and Emission Testing Requirements

- a. i. The Permittee shall have the opacity of the emissions from the affected operations during representative operating conditions determined by a qualified observer in accordance with Reference Method 9, as further specified below, pursuant to Section 39.5(7)(d) of the Act.
 - A. For each affected operation, observations shall be conducted every third year.
 - B. Upon written request by the Illinois EPA, such observations shall be conducted for specific affected operation(s) not later than 45 calendar days after the Permittee has received the request or on such later date agreed to by the Illinois EPA.
- ii. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are each not greater than 10.0 percent.
- iii. A. For each set of observations required by Conditions 7.2.7(a)(i)(A) and (B), the Permittee shall notify the Illinois EPA at least 7 days in advance of the date of the first observation(s).
 - B. The Permittee shall promptly notify the Illinois EPA of any changes in the date of the first observation(s).
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of the observation(s), if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for these observations not later than 30 days after the date of completion of each set of opacity observations required by Conditions 7.2.7(a)(i)(A) and (B). The report shall include a copy of the current Reference Method 9 certification of each observer and shall identify the observer's current employer.

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This report shall also include the following for each observation:

- A. Identification of the affected operation for which observations were conducted.
 - B. Date and time of observations.
 - C. Description of observation condition, including recent weather.
 - D. Description of the operating conditions of the affected operations.
 - E. Raw data.
 - F. Opacity determinations.
 - G. Conclusions.
- b. i. Within 90 days after the Permittee has received a written request from the Illinois EPA, the Permittee shall have the PM emissions at the stacks or vents of the affected operations, as specified in such request, measured during representative operating conditions, as set forth below, pursuant to Section 39.5(7)(d) of the Act.
- ii. A. Testing shall be conducted using appropriate Reference Methods, including Reference Method 5 or 17 for PM emissions.
- B. Compliance may be determined from the average of three valid test runs, subject to the limitations and conditions contained in 35 IAC Part 283.
- iii. The Permittee shall submit a test plan as required by Condition 8.6.2.
- iv. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of testing shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected time of testing shall be submitted a minimum of 5 working days prior to the actual date of

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the test. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notification if it interferes with the Illinois EPA's ability to observe the testing.

- v. The Permittee shall expeditiously submit a complete Final Report(s) for required emission testing to the Illinois EPA, no later than 90 days after the date of testing. These reports shall include the information specified in Condition 8.6.3 and a detailed description of the operating conditions of the affected operations during testing, including operating rate (tons/hr) and the control devices being used.

7.2.8 Inspection Requirements

- a. The Permittee shall perform inspections of the affected operations on at least a monthly basis to confirm compliance with the requirements of Condition 7.2.6(a). If an affected operation is not in use during an inspection, this shall be noted in the inspection record. The records required by Condition 7.2.9(d) for these inspections shall be signed off by supervisory or management personnel [Sections 39.5(7) (a) and (d) of the Act, and Construction Permit 97080088, as applicable].

Note: The origin of authority for inspections of the two baghouses on the Tripper Rooms on the North and South Coal Silo Bays are T1 conditions that originated in Construction Permit 97080088. The origin of authority for inspections of the other affected operations are Sections 39.5(7) (a) and (d) of the Act.

- b. As part of the inspections required by Condition 7.2.8(a), the Permittee shall perform observations of the affected operation(s) for visible emissions in accordance with 35 IAC 212.107 to demonstrate compliance with the requirements of Condition 7.2.4(b), unless the Permittee elects to perform Reference Method 9 observations in accordance with Condition 7.2.7(a). These observations may be scheduled so that only a number of affected operations are reviewed during each inspection,

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provided, however, that all affected operations that are in routine service shall be observed at least once during each calendar year in which it is in use. If visible emissions are observed, the Permittee shall take corrective action within 2 hours to return the status of the operations to no visible emission or shall conduct observations of opacity by Reference Method 9 within one week in accordance with Condition 7.2.7(a). If the Permittee performs Reference Method 9 observations under this Condition 7.2.8(b), such observations are not subject to the notice requirements of Conditions 7.2.7(a)(iii) through (v) [Sections 39.5(7)(a) and (d) of the Act].

- c. The Permittee shall perform inspections of the baghouses for the affected operations at least once each calendar year while the operations are out of service, with an initial inspection performed before any maintenance and repair activities are conducted and a follow-up inspection performed after any such activities are completed [Sections 39.5(7)(a) and (d) of the Act].
- d. Pursuant to 39.5(7)(b) and (d) of the Act, the Permittee shall perform a visual survey of the coal storage pile operations as follows:
 - i. Coal storage pile operations shall be visually surveyed at least twice a month between May 1st and November 30th of each calendar year.
 - ii. Coal storage pile operations shall be visually surveyed on at least a monthly basis at all other times during the calendar year.
 - iii. As part of these visual surveys, the Permittee shall perform an observation of the coal storage pile operations for visible emissions in accordance with 35 IAC 212.107 unless the Permittee elects to perform a Reference Method 9 observation. [Sections 39.5(7)(b) and (d) of the Act].
 - A. The overall duration of any observation for visible emissions shall be at least 10 minutes.
 - B. The duration of any Reference Method 9 observation shall be at least 6 minutes.

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- iv. If visible emissions from the coal storage pile are observed going beyond the property boundary or the average opacity of the Reference Method 9 observation is greater than 20% at the storage pile, the Permittee shall take action within 2 hours, if necessary, to ensure that fugitive particulate matter emissions do not exceed 30% opacity.
- v. The Permittee shall maintain records of the following for each visual survey:
 - A. Date and time the visual survey was performed and name(s) of personnel performing the visual survey.
 - B. The observed activity and condition of the coal storage pile, including the presence of any visible emissions and the recent weather conditions.
 - C. A summary of any emission control activities performed on the coal storage pile since the last visual survey.
 - D. A description of any action taken if visible emissions were observed crossing the property boundary, including whether action took place within 2 hours of the observation. The record in this Condition 7.2.8(d)(v)(D) shall be signed off by supervisory or management personnel.

7.2.9 Recordkeeping Requirements

Pursuant to Sections 39.5(7)(a) and (e) of the Act:

- a. The Permittee shall maintain records of the following for the affected operations:
 - i. Maximum operating capacity of each affected operation, (tons/hr).
 - ii. Information related to the baghouses associated with the affected operations, including available design control efficiency or performance specifications and maximum design particulate matter emissions, gr/dscf,

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with supporting information, which information shall be kept up to date.

- iii. Maintenance and repair record(s) or other records for the baghouses associated with the affected operations, which record(s) shall list the activities performed on each item of equipment or system, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)
- b. i. The Permittee shall maintain a record, which shall be kept up to date to reflect any changes that the Permittee may elect to make, that contains the following for each affected operation for which a control measure(s) must be implemented and maintained pursuant to Condition 7.2.6(a) (i).
 - A. The type of emission unit (conveyor, storage pile, etc.) and the Permittee's designation for each emission unit with a description of the emission points on the emission unit;
 - B. Whether the emission unit is considered to be an "affected facility" for purposes of the NSPS, with copies of supporting documentation;
 - C. Description of the primary control measures that are utilized, with a description of the control measure and estimated frequency of application, if not continuous; and
 - D. Description of any secondary control measures that would be used based on circumstances (freezing temperatures, recent rain, dry weather, etc.) with identification of the circumstances in which they would be used and whether they would take the place of or supplement the primary control measures.
- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the control measures identified in the record required by Condition 7.2.9(b) (i) for the fuel silos are sufficient to assure compliance with

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the emission limitations in Condition 7.2.6(b)(i) (lb/hr PM and ton PM/yr), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. This demonstration shall include results of any testing conducted pursuant to Condition 7.2.7(b), the information addressed by Condition 7.2.9(a), emission factors for uncontrolled PM emissions, and/or controlled PM emissions published by USEPA or other credible sources.

- iii. A copy of the record required by Condition 7.2.9(b)(i) shall be submitted to the Illinois EPA not later than 60 days after the effectiveness of Condition 7.2.9(b)(i). Any subsequent revisions to this record related to control measures or affected operations, including their method of operation, shall be submitted not later than 30 days after the date of the revision. Upon request by the Illinois EPA, the Permittee shall submit other relevant information related to the control measures.
- c. The Permittee shall maintain the following operating records:
 - i. The Permittee shall maintain a record of the amount of coal and other solid fuels received at the source, by type of fuel (tons/month and tons/year).
- d. The Permittee shall maintain records of the following for the inspections required by Condition 7.2.8:
 - i. Date and time the inspection was performed, name(s) of inspection personnel, and specific affected operation(s) inspected.
 - ii. The observed condition of the control measures identified in the record required by Condition 7.2.9(b)(i) for each inspected affected operation, including the presence of any visible emissions or atypical accumulations of coal fines in the vicinity of the operations.

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- iii. A description of any maintenance or repair of equipment associated with the control measures identified in the record required by Condition 7.2.9(b) (i) that is recommended as a result of the inspection and associated work order ticket number(s).
 - iv. A description of any corrective action taken if visible emissions were observed, including whether corrective action took place within 2 hours of the observation and whether the status of the process returned to no visible emissions.
- e. The Permittee shall maintain records of the following for each incident when any affected operation was in use without the control measure(s) required pursuant to the record required by Condition 7.2.9(b) (i) and each incident when an affected operation continued to operate during malfunction or breakdown with excess emissions or excess opacity as addressed by Condition 7.2.3(b):
- i. The date of the incident and identification of the affected operation(s) that was involved.
 - ii. A description of the incident, including the control measures that were not present or operated as required by the record identified in Condition 7.2.9(b) (i); other control measures that were operated, if any; the measures taken to minimize and correct deficiencies with chronology; and an explanation whether the emissions or opacity during the incident exceeded any applicable emission or opacity standard, as listed in Condition 7.2.4.
 - iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.
 - iv. The length of time after the incident was identified that the affected operations continued to operate before the control measures identified in the record required by Condition 7.2.9(b) (i) were in place or the operations were shut down (to resume operation only after such control measures were in place); an explanation of why continued

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operation was necessary; and, if this time was more than one hour, an explanation of why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.

- v. The estimated total duration of the incident, i.e., the total length of time that the affected operations ran without the control measure(s) required pursuant to the record required by Condition 7.2.9(b)(i) and the estimated amount of coal handled during the incident.
- vi. A discussion of the probable cause of the incident and any preventative measures taken.
- f. The Permittee shall keep records for all opacity observations made in accordance with Reference Method 9 for the affected operations that it conducts or that are conducted at its behest by individuals who are qualified to make such observations. For each occasion on which such observations are made, these records shall include the formal report for the observations if conducted pursuant to Condition 7.2.7 (Opacity Observations and Emission Testing Requirements) or otherwise the identity of the observer, a description of the observations that were made, the operating condition of the affected operation(s), the observed opacity, copies of the raw data sheets for the observations, and the reason for the opacity observations, e.g., Reference Method 9 opacity observations required by Condition 7.2.7(a)(i), written request by the Illinois EPA, or any required Reference Method 9 opacity observations following observations of visible emissions under Condition 7.2.8(b).
- g. To demonstrate compliance with Condition 7.2.6(b), the Permittee shall keep records of actual PM emissions from each baghouse on the Tripper Rooms on the North and South Coal Silo Bays (tons/month and tons/year), based on the records required by Condition 7.2.9(b)(ii) and 7.2.9(c).

7.2.10 Reporting Requirements

- a. Reporting of Deviations

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The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for the affected operations, as follows. Such notifications shall include a description of each deviation and a discussion of the probable cause of deviation, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act.

- i. For those breakdown or malfunction opacity events that require notification and reporting pursuant to Condition 7.2.10(b)(i), notification and reporting shall be provided pursuant to Condition 7.2.10(b)(i) rather than 7.2.10(a).
- ii. Within 30 days after the conclusion of an incident in which the Permittee continued to operate an affected operation for more than 12 operating hours after discovering that emission control measures required by the record identified in Condition 7.2.9(b)(i) were not present or operating, the Permittee shall submit written notice to the Illinois EPA. Such notifications shall be accompanied by a copy of the records for the incident required by Condition 7.2.9(e).
- iii. A. Except for events and incidents for which notification or reporting is required by Condition 7.2.10(a)(ii) or 7.2.10(b)(i), as referenced in 7.2.10(a)(i), all other notifications shall be submitted with the quarterly reports required by Condition 7.2.10(b)(ii).
- B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.
- b. Reporting When Continued Operation Occurred During Malfunctions and Breakdowns

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Pursuant to 35 IAC 201.263 and Sections 39.5(7) (a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA for incidents when operation of affected operation(s) continued with excess emissions or excess opacity during malfunction or breakdown as addressed by Condition 7.2.3(b).

- i. A. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone, facsimile or electronic mail, for each incident in which the opacity from an affected operation exceeds 30 percent for eight or more 6-minute averaging periods within a two hour period unless the Permittee has begun the shutdown by such time. (Otherwise, if opacity during an incident only exceeds 30 percent for no more than seven 6-minute averaging periods, the Permittee need only report the incident in the quarterly report, in accordance with Condition 7.2.10(b) (ii).)
- B. Upon conclusion of each incident that is two hours or more in duration, the Permittee shall submit a written follow-up notice to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a copy of the records for the incident required by Condition 7.2.9(e).
- ii. The Permittee shall submit quarterly reports to the Illinois EPA that include the following information for incidents during the quarter in which affected operations continued to operate during malfunction or breakdown with excess emissions or excess opacity. These reports shall be submitted with the quarterly reports submitted for the coal-fired boiler pursuant to Condition 7.1.10-2(a).
- A. A listing of such incidents, in chronological order, that includes:
 - I. The date, time, and duration of each incident;

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- II. The identity of the affected operation(s) involved in the incident; and
- III. Whether a follow-up notice was submitted for the incident pursuant to Condition 7.2.10(b) (i) (B), with the date of the notice.

- B. A description of the incident, discussion of probable cause of the incident, corrective actions taken, and any preventative measures taken; provided, however, that the Permittee need not resubmit information provided in a prior report for an incident, as identified above, but may elect to supplement the prior submittal.
- C. The sum duration of all incidents during the quarter.
- D. If there have been no such incidents during the calendar quarter, this shall be stated in the report.

7.2.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational changes with respect to the affected operations without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7) (a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Handling of solid fuels other than coal.
- b. Operation of additional dust suppressant systems.
- c. Operation of additional dust collection equipment.
- d. Operation of replacement dust suppression systems or dust collection equipment that is of equal or greater effectiveness in controlling visible

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emissions than the device(s) being replaced, as recognized in a Construction Permit for such system or equipment.

7.2.12 Compliance Procedures

- a. Compliance with Condition 7.2.4 is addressed by the observations, inspections, and recordkeeping required by Conditions 7.2.7(a), 7.2.8, and 7.2.9, respectively.
- b. Compliance with Condition 7.2.6(a) is addressed by the inspections and recordkeeping required by Conditions 7.2.8, and 7.2.9, respectively.
- c. Compliance with Condition 7.2.6(b) is addressed by the testing, inspections and recordkeeping required by Conditions 7.2.7(b), 7.2.8, and 7.2.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7) (p) (v) of the Act.

7.3 Coal Processing Equipment

7.3.1 Description

The Permittee prepares or processes coal for use as fuel in its boilers with crushers that reduce the size of the coal. Associated particulate matter (PM) emissions are controlled by various control measures such as moisture content of the coal, enclosures, dust suppression, and dust collection equipment.

Note: The description in Condition 7.3.1 is for informational purposes only and implies no limits or constraints.

7.3.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Emission Control Equipment/Measures
Coal Crusher	Enclosures, Moisture Content of Coal, Dust Suppression, and Dust Collection Equipment

7.3.3 Applicability Provisions

- a. i. An "affected process" for the purpose of these unit-specific conditions is an individual process emission unit that prepares coal for use as a fuel by crushing the coal as described in Conditions 7.3.1 and 7.3.2.
- ii. Certain affected processes, as follows, for which construction, modification, or reconstruction, commenced after October 24, 1974 but prior to April 28, 2008 are also "affected facilities" for purposes of the New Source Performance Standards (NSPS) for Coal Preparation Plants, 40 CFR 60 Subpart Y, pursuant to 40 CFR 60.250(a) and (b), and 60.251. This is because this source processes more than 200 tons per day of coal by breaking or crushing. These affected facilities are subject to applicable requirements of the NSPS, 40 CFR 60 Subpart Y and related requirements in the NSPS, 40 CFR 60 Subpart A, General Provisions.
 - A. Coal crushers.

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Note: See Condition 7.3.4(d) for the certain affected processes subject to NSPS Subpart Y.

- b. Subject to the following terms and conditions, the Permittee is authorized to continue operation of an affected process in violation of the applicable standards identified or cross-referenced in Condition 5.2.2(b) (35 IAC 212.123) and Condition 7.3.4(c) (35 IAC 212.321) in the event of a malfunction or breakdown of an affected process. This authorization is provided pursuant to 35 IAC 201.149, 201.261 and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such continued operation would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.
 - i. This authorization only allows such continued operation as related to the operation of the coal-fired boilers as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
 - ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable repair the affected process, remove the affected process from service or undertake other actions so that excess emissions cease.
 - iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.3.9(d) and 7.3.10(b). For these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the affected process out of service.

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- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.3.4 Applicable Emission Standards

- a. The standard that addresses fugitive emissions, as defined by 35 IAC 211.2490, of the affected processes is set forth in Condition 5.2.2(a).
- b. The standard that addresses the opacity of the emission of smoke or other particulate matter from the affected processes is set forth in Condition 5.2.2(b).
- c. The affected processes shall comply with 35 IAC 212.321(a): "no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of [35 IAC 212.321]." Each unit, i.e. each coal crusher, shall demonstrate compliance individually. (See also Attachment 1.) [35 IAC 212.321(a)].
- d. The affected processes that are also affected facilities subject to the NSPS, 40 CFR 60 Subpart Y, are the coal crushers 1W and 2W. Those affected

processes shall not discharge gases which exhibit 20 percent opacity or greater into the atmosphere, except during periods of startup, shutdown and malfunction, as defined in 40 CFR 60.2, pursuant to 40 CFR 60.11(c) and 60.254(a).

7.3.5 Non-Applicability of Regulations of Concern

- a. The affected processes are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for PM because the affected operations do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

7.3.6 Work Practices

- a.
 - i. The Permittee shall implement and maintain the control measures for the affected processes, such as enclosure, natural surface moisture, application of dust suppressant, and use of dust collection devices, for emissions of particulate matter to support the periodic monitoring for the applicable requirements in Condition 7.3.4, pursuant to Section 39.5(7)(a) of the Act.
 - ii. The control measures implemented and maintained shall be identified and operated in conformance with the "Control Measures Record" required by Condition 7.3.9(b)(i) to satisfy Condition 7.3.6(a)(i), which record is incorporated by reference into this permit by Condition 5.2.7.
 - iii. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall, to the extent practicable, maintain and operate each affected process that is subject to the NSPS in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Illinois EPA or the USEPA which may include, but is not limited to, monitoring results, opacity observations, review of operating and

maintenance procedures, and inspection of the source [40 CFR 60.11(d)].

7.3.7 Opacity Observations and Emission Testing Requirements

- a. i. The Permittee shall have the opacity of the emissions from the affected processes during representative operating conditions determined by a qualified observer in accordance with Reference Method 9, as further specified below, pursuant to Section 39.5(7)(d) of the Act.
 - A. For each affected process, observations shall be conducted every third year.
 - B. Upon written request by the Illinois EPA, such observations shall be conducted for specific affected process(es) not later than 45 calendar days after the Permittee received the request or on such later date agreed to by the Illinois EPA.
- ii. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are each not greater than 10.0 percent.
- iii. A. For each set of observations required by Conditions 7.3.7(a)(i)(A) and (B), the Permittee shall notify the Illinois EPA at least 7 days in advance of the date of the first observation(s).
 - B. The Permittee shall promptly notify the Illinois EPA of any changes in the date of the first observation(s).
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of the observation(s), if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for these observations not later than 30 days after the date of completion of each set of opacity observations required by Conditions 7.3.7(a)(i)(A) and (B). The report shall

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include a copy of the current Reference Method 9 certification of each observer and shall identify the observer's current employer. This report shall also include the following for each observation:

- A. Identification of the affected process for which observations were conducted.
 - B. Date and time of observations.
 - C. Description of observation conditions, including recent weather.
 - D. Description of the operating conditions of the affected processes.
 - E. Raw data.
 - F. Opacity determinations.
 - G. Conclusions.
- b. i. Within 90 days after the Permittee has received a written request from the Illinois EPA, the Permittee shall have the PM emissions at the stacks or vents of the affected processes, as specified in such request, measured during representative operating conditions, as set forth below, pursuant to Section 39.5(7)(d) of the Act.
- ii. A. Testing shall be conducted using appropriate Reference Methods, including Method 5 or 17 for PM emissions.
- B. Compliance may be determined from the average of three valid test runs, subject to the limitations and conditions contained in 35 IAC Part 283.
- iii. The Permittee shall submit a test plan as required by Condition 8.6.2.
- iv. The Illinois EPA shall be notified prior to these tests to enable the Illinois EPA to observe these tests. Notification of the expected date of testing shall be submitted a minimum of 30 days prior to the expected date. Notification of the actual date and expected

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time of testing shall be submitted a minimum of 5 working days prior to the actual date of the test. The Illinois EPA may, at its discretion, accept notification with shorter advance notice provided that the Illinois EPA will not accept such notification if it interferes with the Illinois EPA's ability to observe the testing.

- v. The Permittee shall expeditiously submit a complete final report(s) for required emission testing to the Illinois EPA, no later than 90 days after the date of testing. These reports shall include the information specified in Condition 8.6.3 and a detailed description of the operating conditions of the affected operations during testing, including operating rate (tons/hr) and the control devices being used.

7.3.8 Inspection Requirements

- a. The Permittee shall perform inspections of the affected processes on at least a monthly basis to confirm compliance with the requirements of Condition 7.3.6(a). If an affected process is not in operation during an inspection, this shall be noted in the inspection record. The records required by Condition 7.3.9(c) for these inspections shall be signed off by supervisory or management personnel [Sections 39.5(7) (a) and (d) of the Act].
- b. As part of the inspections of Condition 7.3.8(a), the Permittee shall perform observations of the affected processes for visible emissions in accordance with 35 IAC 212.107 to demonstrate compliance with the requirements of Condition 7.3.4(b), unless the Permittee elects to perform Reference Method 9 observations in accordance with Condition 7.3.7(a). These observations may be scheduled so that only a number of affected processes are reviewed during each inspection, provided, however, that all affected processes that are in routine service shall be observed at least once during each calendar year in which it is operating. If visible emissions are observed, the Permittee shall take corrective action within 2 hours to return the status of the process to no visible emission or shall conduct observations of opacity by Reference Method 9 within one week in

accordance with Condition 7.3.7(a). If the Permittee performs Reference Method 9 observations under this Condition 7.3.8(b), such observations are not subject to the notice requirements of Conditions 7.3.7(a)(iii) through (v) [Sections 39.5(7)(a) and (d) of the Act].

- c. The Permittee shall perform inspections of the baghouses for affected processes at least once each calendar year while the processes are out of service, with an initial inspection performed before any maintenance and repair activities are conducted and a follow-up inspection performed after any such activities are completed [Sections 39.5(7)(a) and (d) of the Act].

7.3.9 Recordkeeping Requirements

Pursuant to Sections 39.5(7)(a) and (e) of the Act:

- a. The Permittee shall maintain records of the following for the affected processes:
 - i. Maximum operating capacity of each affected process, (tons/hr).
 - ii. Information related to the baghouses associated with the affected processes, including the available design control efficiency or performance specifications and maximum design particulate matter emissions, gr/dscf., with supporting information, which information shall be kept up to date.
 - iii. Maintenance and repair record(s) or other records for the baghouses associated with the affected processes, which record(s) shall list the activities performed on each item of equipment or system, with date and description. (See also Condition 9.6.1, Control Equipment Maintenance Records.)
- b. i. The Permittee shall maintain a record, which shall be kept up to date to reflect any changes that the Permittee may elect to make, that contains the following for each affected process for which a control measure(s) must be implemented and maintained pursuant to Condition 7.3.6(a)(i).

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- A. The type of emission unit (crushers, etc.) and the Permittee's designation for each emission unit with a description of the emission points on the emission unit;
 - B. Whether the emission unit is considered to be an "affected facility" for purposes of the NSPS, with copies of supporting documentation;
 - C. Description of the primary control measures that are utilized, with a description of the control measure and estimated frequency of application, if not continuous; and
 - D. Description of any secondary control measures that would be used based on circumstances (freezing temperatures, recent rain, dry weather, etc.) with identification of the circumstances in which they would be used and whether they would take the place of or supplement the primary control measures.
- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the control measures identified in the record required by Condition 7.3.9(b)(i) are sufficient to assure compliance with Condition 7.3.4(c) at the maximum process weight rate at which each affected process can be operated (tons coal/hour), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. This demonstration shall include results of any testing conducted pursuant to Condition 7.3.7(b), the information addressed by Condition 7.3.9(a), emission factors for uncontrolled PM emissions, and/or controlled PM emissions published by USEPA or other credible sources.
 - iii. A copy of the record required by Condition 7.3.9(b)(i) shall be submitted to the Illinois EPA not later than 60 days after the effectiveness of Condition 7.3.9(b)(i). Any subsequent revisions to this record related to control measures or affected processes,

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including their method of operation, shall be submitted not later than 30 days after the date of the revision. Upon request by the Illinois EPA, the Permittee shall submit other relevant information related to the control measures.

- c. The Permittee shall maintain records of the following for the inspections required by Condition 7.3.8:
 - i. Date and time the inspection was performed, name(s) of inspection personnel, and specific affected process(es) inspected.
 - ii. The observed condition of the control measures identified in the record required by Condition 7.3.9(b)(i), for each inspected affected process(es), including the presence of any visible emissions or atypical accumulations of coal fines in the vicinity of the process.
 - iii. A description of any maintenance or repair of equipment associated with control measures identified in the record required by Condition 7.3.9(b)(i) that is recommended as a result of the inspection and associated work order ticket number(s).
 - iv. A description of any corrective action taken if visible emissions were observed, including whether corrective action took place within 2 hours of the observation and whether the status of the process returned to no visible emissions.
- d. The Permittee shall maintain records of the following for each incident when any affected process operated without the control measure(s) required pursuant to the record required by Condition 7.3.9(b)(i) and each incident when an affected process continued to operate during malfunction or breakdown with excess emissions or excess opacity as addressed by Condition 7.3.3(b):
 - i. The date of the incident and identification of the affected process(es) that was involved.
 - ii. A description of the incident, including the control measures that were not present or

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operated as required by the record identified in Condition 7.3.9(b)(i); other control measures that were operated, if any; the measures taken to minimize and correct deficiencies with chronology; and an explanation whether the emissions or opacity during the incident exceeded any applicable emission or opacity standard, as listed in Condition 7.3.4.

- iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.
 - iv. The length of time after the incident was identified that the affected processes continued to operate before the control measures identified in the record required by Condition 7.3.9(b)(i) were in place or the processes were shut down (to resume operation only after such control measures were in place); an explanation of why continued operation was necessary; and, if this time was more than one hour, an explanation of why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.
 - v. The estimated total duration of the incident, i.e., the total length of time that the affected processes ran without the control measure(s) required pursuant to the record required by Condition 7.3.9(b)(i) and the estimated amount of coal handled during the incident.
 - vi. A discussion of the probable cause of the incident and any preventative measures taken.
- e. The Permittee shall keep records for all opacity observations made in accordance with Reference Method 9 for the affected processes that it conducts or that are conducted at its behest by individuals who are qualified to make such observations. For each occasion on which such observations are made, these records shall include the formal report for the observations if conducted pursuant to Condition 7.3.7 (Opacity and Emission Testing Requirements) or otherwise the identity of the observer, a description of the observations that were made, the

operating condition of the affected process(es), the observed opacity, copies of the raw data sheets for the observations, and the reason for the opacity observations, e.g., Reference Method 9 opacity observations required by Condition 7.3.7(a) (i), written request by the Illinois EPA, or any required Reference Method 9 opacity observations following observations of visible emissions under Condition 7.3.8(b) .

7.3.10 Reporting Requirements

a. Reporting of Deviations

The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for the affected processes, as follows. Such notifications shall include a description of each deviation and a discussion of the probable cause of deviation, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7) (f) (ii) of the Act.

- i. For those breakdown or malfunction opacity events that require notification and reporting pursuant to Condition 7.3.10(b) (i), notification and reporting shall be provided pursuant to Condition 7.3.10(b) (i) rather than 7.3.10(a) .
- ii. Within 30 days after the conclusion of an incident in which the Permittee continued to operate an affected process for more than 12 operating hours after discovering that emission control measures required by the record identified in Condition 7.3.9(b) (i) were not present or operating, the Permittee shall submit written notice to the Illinois EPA. Such notifications shall be accompanied by a copy of the records for the incident required by Condition 7.3.9(d) .
- iii. A. Except for events and incidents for which notification or reporting is required by Condition 7.3.10(a) (ii) or 7.3.10(b) (i), as referenced in 7.3.10(a) (i), all other notifications shall be submitted with the quarterly reports required by Condition 7.3.10(b) (ii) .

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- B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.
- b. Reporting When Continued Operation Occurred During Malfunctions And Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7) (a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA for incidents when operation of affected process(es) continued with excess emissions or excess opacity during malfunction or breakdown as addressed by Condition 7.3.3(b).

- i. A. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone, facsimile, or electronic mail, for each incident in which the opacity from an affected process exceeds 30 percent for eight or more 6-minute averaging periods within a two hour period unless the Permittee has begun the shutdown by such time. (Otherwise, if opacity during an incident only exceeds 30 percent for no more than seven 6-minute averaging periods, the Permittee need only report the incident in the quarterly report, in accordance with Condition 7.3.10(b) (ii).)
- B. Upon conclusion of each incident that is two hours or more in duration, the Permittee shall submit a written follow-up notice to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a copy of the records for the incident required by Condition 7.3.9(d).
- ii. The Permittee shall submit quarterly reports to the Illinois EPA that include the following information for incidents during the quarter in which affected processes continued to

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operate during malfunction or breakdown with excess emissions or excess opacity. These reports shall be submitted with the quarterly reports submitted for the coal-fired boiler pursuant to Condition 7.1.10-2(a).

- A. A listing of such incidents, in chronological order, that includes:
 - I. The date, time, and duration of each incident;
 - II. The identity of the affected process(es) involved in the incident; and
 - III. Whether a follow-up notice was submitted for the incident pursuant to Condition 7.3.10(b)(i)(B), with the date of the notice.
- B. A description of the incident, discussion of probable cause of the incident, corrective actions taken, and any preventative measures taken; provided, however, that the Permittee need not resubmit information provided in a prior report for an incident, as identified above, but may elect to supplement the prior submittal.
- C. The sum duration of all incidents during the quarter.
- D. If there have been no such incidents during the calendar quarter, this shall be stated in the report.

7.3.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational changes with respect to the affected processes without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (1) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an

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activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Handling of solid fuels other than coal.
- b. Operation of additional dust suppressant systems.
- c. Operation of additional dust collection equipment.
- d. Operation of replacement dust suppression systems or dust collection equipment that is of equal or greater effectiveness in controlling visible emissions than the device(s) being replaced as recognized in a Construction Permit for such system or equipment.

7.3.12 Compliance Procedures

- a. Compliance with Condition 7.3.4 is addressed by the observations, inspections, and recordkeeping required by Conditions 7.3.7(a), 7.3.8, and 7.3.9, respectively.
- b. Compliance with Condition 7.3.6 is addressed by the inspections and recordkeeping required by Conditions 7.3.8 and 7.3.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7) (p) (v) of the Act.

7.4 Fly Ash Handling Equipment

7.4.1 Description

The Permittee operates a fly ash removal system that handles and stores fly ash collected at the coal-fired boilers. Associated particulate matter (PM) emissions are controlled by measures such as enclosures.

Construction Permit 13050042 authorized a change in the method of operation of two fly ash secondary collection systems (Units SC-3 and SC-4), with routine operation of these systems. This change facilitated handling the increased volume of particulate captured by the ESPs, which now includes DSI sorbent material in addition to the fly ash from the two coal-fired boilers. Systems SC-3 and SC-4 will now be used in addition to the existing fly ash handling and load-out operations at this source. SC-3 and SC-4 previously served as "spares" and were not operated routinely. Ash and sorbent transported by these systems are captured by filter-separator units.

Note: The description in Condition 7.4.1 is for informational purposes only and implies no limits or constraints.

7.4.2 List of Emission Units and Air Pollution Control Equipment

Emission Unit	Control Equipment/Measures
Pneumatic Transfer System, Silos w/ Bin Vents, and Loadout Operation	Enclosures

7.4.3 Applicability Provisions

- a. An "affected process" for the purpose of these unit-specific conditions, is an individual process emission unit as described in Conditions 7.4.1 and 7.4.2.
- b. Subject to the following terms and conditions, the Permittee is authorized to continue operation of an affected process in violation of the applicable standards identified or cross-referenced in Condition 7.4.4(b) (35 IAC 212.123) and Condition 7.4.4(c) (35 IAC 212.321(a)) in the event of a malfunction or breakdown of an affected process.

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This authorization is provided pursuant to 35 IAC 201.149, 201.261, and 201.262, as the Permittee has applied for such authorization in its application, generally explaining why such continued operation would be required to provide essential service or to prevent injury to personnel or severe damage to equipment, and describing the measures that will be taken to minimize emissions from any malfunctions and breakdowns. This authorization supersedes the general prohibition in Condition 9.2.3 against continued operation in such circumstances.

- i. This authorization only allows such continued operation as related to the operation of the coal-fired boilers as necessary to provide essential service or to prevent injury to personnel or severe damage to equipment and does not extend to continued operation solely for the economic benefit of the Permittee.
- ii. Upon occurrence of excess emissions due to malfunction or breakdown, the Permittee shall as soon as practicable repair the affected process, remove the affected process from service, or undertake other action so that excess emissions cease.
- iii. The Permittee shall fulfill applicable recordkeeping and reporting requirements of Conditions 7.4.9(e) and 7.4.10(b). For these purposes, time shall be measured from the start of a particular incident. The absence of excess emissions for a short period shall not be considered to end the incident if excess emissions resume. In such circumstances, the incident shall be considered to continue until corrective actions are taken so that excess emissions cease or the Permittee takes the affected process out of service.
- iv. Following notification to the Illinois EPA of a malfunction or breakdown with excess emissions, the Permittee shall comply with all reasonable directives of the Illinois EPA with respect to such incident, pursuant to 35 IAC 201.263.
- v. This authorization does not relieve the Permittee from the continuing obligation to

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minimize excess emissions during malfunction or breakdown. As provided by 35 IAC 201.265, an authorization in a permit for continued operation with excess emissions during malfunction and breakdown does not shield the Permittee from enforcement for any such violation and only constitutes a prima facie defense to such an enforcement action provided that the Permittee has fully complied with all terms and conditions connected with such authorization.

7.4.4 Applicable Emission Standards

- a. The standard that addresses fugitive emissions, as defined by 35 IAC 211.2490, of the affected processes is set forth in Condition 5.2.2(a).
- b. The standard that addresses the opacity of the emission of smoke or other particulate matter from the affected processes is set forth in Condition 5.2.2(b).
- c. The affected processes shall comply with 35 IAC 212.321(a): "no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of [35 IAC 212.321]." Each unit, i.e. each pneumatic transfer system, shall demonstrate compliance individually. (See also Attachment 1.) [35 IAC 212.321(a)].

7.4.5 Non-Applicability of Regulations of Concern

- a. This permit is issued based on the affected processes not being subject to the New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants, 40 CFR Part 60, Subparts A and OOO, because the affected processes do not meet the definition of a nonmetallic mineral processing plant because there is no equipment used to crush or grind ash.

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- b. The affected processes are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for PM because the affected processes do not use add on controls to achieve compliance with any applicable emission limitation.

7.4.6 Work Practices

- a.
 - i. The Permittee shall implement and maintain the control measures for the affected processes, such as enclosure, for emissions of particulate matter to support the periodic monitoring for the applicable requirements in Condition 7.4.4, pursuant to Section 39.5(7)(a) of the Act.
 - ii. The control measures implemented and maintained shall be identified and operated in conformance with the "Control Measures Record" required by Condition 7.4.9(b)(i) to satisfy Condition 7.4.6(a)(i), which record is incorporated by reference into this permit by Condition 5.2.7.

7.4.7 Opacity Observations

- a.
 - i. The Permittee shall have the opacity of the emissions from the affected processes during representative operating conditions determined by a qualified observer in accordance with Reference Method 9, as further specified below, pursuant to Section 39.5(7)(b) of the Act.
 - A. For each affected process, observations shall be conducted every third year.
 - B. Upon written request by the Illinois EPA, such observations shall be conducted for specific affected process(es) not later than 45 calendar days after the Permittee has received the request or such later date agreed to by the Illinois EPA.
 - ii. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are each not greater than 10.0 percent.

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- iii. A. For each set of observations required by Conditions 7.4.7(a) (i) (A) and (B), the Permittee shall notify the Illinois EPA at least 7 days in advance of the date of the first observation(s).
- B. The Permittee shall promptly notify the Illinois EPA of any changes in the date of the first observation(s).
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of the observation(s), if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for these observations not later than 30 days after the date of completion of each set of opacity observations required by Conditions 7.4.7(a) (i) (A) and (B). The report shall include a copy of the current Reference Method 9 certification of each observer and shall identify the observer's current employer. This report shall also include the following for each observation:
 - A. Identification of the affected process for which observations were conducted.
 - B. Date and time of observations
 - C. Description of observation condition, including recent weather.
 - D. Description of the operating conditions of the affected processes.
 - E. Raw data.
 - F. Opacity determinations.
 - G. Conclusions.

7.4.8 Inspection Requirements

- a. The Permittee shall perform inspections as follows to confirm compliance with the requirements of Condition 7.4.6(a) [Sections 39.5(7) (a) and (d) of the Act].

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- i. Affected processes other than loadout operations shall be inspected on at least a monthly basis.
 - ii. Affected loadout operations shall be inspected on at least a weekly basis.
 - iii. If an affected process is not in operation during an inspection, this shall be noted in the inspection record.
 - iv. The records required by Condition 7.4.9(d) for these inspections shall be signed off by supervisory or management personnel.
- b. As part of the inspections of Condition 7.4.8(a), the Permittee shall perform observations of the affected processes for visible emissions in accordance with 35 IAC 212.107 to demonstrate compliance with the requirements of Condition 7.4.4(b), unless the Permittee elects to perform Reference Method 9 observations in accordance with Condition 7.4.7(a). These observations may be scheduled so that only a number of affected processes are reviewed during each inspection, provided, however, that all affected processes that are in routine service shall be observed at least once during each calendar year in which it is operating other than loadout operations which shall each be observed at least once during each calendar quarter in which it is operating [Sections 39.5(7) (b) and (d) of the Act].
- c. If visible emissions are observed, the Permittee shall take corrective action within 2 hours to return the status of the process to no visible emission or shall conduct observations of opacity by Reference Method 9 within one week in accordance with Condition 7.4.7(a). If the Permittee performs Reference Method 9 observations under this Condition 7.4.8(b), such observations are not subject to the notice requirements of Condition 7.4.7(a) (iii) through (v) [Sections 39.5(7) (b) and (d) of the Act].

7.4.9 Recordkeeping Requirements

Pursuant to Sections 39.5(7) (a) and (e) of the Act:

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- a. The Permittee shall keep a record of the maximum operating capacity of each affected process (tons/hour).
- b. i. The Permittee shall maintain a record, which shall be kept up to date to reflect any changes that the Permittee may elect to make, that contains the following for each affected process for which a control measure(s) must be implemented and maintained pursuant to Condition 7.4.6(a) (i).
 - A. The type of emission unit (pneumatic transfer system, silos etc.) and the Permittee's designation for each emission unit with a description of the emission points on the emission unit;
 - B. Description of the primary control measures that are utilized, with a description of the control measure and estimated frequency of application, if not continuous; and
 - C. Description of any secondary control measures that would be used based on circumstances (freezing temperatures, recent rain, dry weather, etc.) with identification of the circumstances in which they would be used and whether they would take the place of or supplement the primary control measures.
- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the control measures identified in the record required by Condition 7.4.9(b) (i) are sufficient to assure compliance with Condition 7.4.4(c) at the maximum process weight rate at which each affected process can be operated (tons fly ash/hour), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. This demonstration shall include the information addressed by Condition 7.4.9(a), emission factors for uncontrolled PM emissions, and/or controlled PM emissions published by USEPA or other credible sources.

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- iii. A copy of the record required by Condition 7.4.9(b)(i) shall be submitted to the Illinois EPA not later than 60 days after the effectiveness of Condition 7.4.9(b)(i). Any subsequent revisions to this record related to control measures or affected processes, including their method of operation, shall be submitted not later than 30 days after the date of the revision. Upon request by the Illinois EPA, the Permittee shall submit other relevant information related to the control measures.
- c. The Permittee shall maintain records of the amount of fly ash handled by the affected processes (tons/month and tons/year).
- d. The Permittee shall maintain records of the following for the inspections required by Condition 7.4.8:
 - i. Date and time the inspection was performed, name(s) of inspection personnel, and specific affected process(es) inspected.
 - ii. The observed condition of the control measures identified in the record required by Condition 7.4.9(b)(i) for each inspected affected process, including the presence of any visible emissions or atypical accumulations of fly ash in the vicinity of the process.
 - iii. A description of any maintenance or repair of equipment associated with control measures identified in the record required by Condition 7.4.9(b)(i) that is recommended as a result of the inspection and associated work order ticket number(s).
 - iv. A description of any corrective action taken if visible emissions were observed, including whether corrective action took place within 2 hours of the observation and whether the status of the process returned to no visible emissions.
- e. The Permittee shall maintain records of the following for each incident when any affected process operated without the control measure(s) required pursuant to the record required by

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Condition 7.4.9(b) (i) and each incident when an affected process continued to operate during malfunction or breakdown with excess emissions or excess opacity as addressed by Condition 7.4.3(b):

- i. The date of the incident and identification of the affected process(es) that was involved.
- ii. A description of the incident, including the control measure(s) that was not present or operated as required by the record identified in Condition 7.4.9(b) (i); other control measures that were operated, if any; the measures taken to minimize and correct deficiencies with chronology; and an explanation whether the emissions or opacity during the incident exceeded any applicable emission or opacity standard, as listed in Condition 7.4.4.
- iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.
- iv. The length of time after the incident was identified that the affected processes continued to operate before the control measures identified in the record required by Condition 7.4.9(b) (i) were in place or the processes were shut down (to resume operation only after established control measures were in place); an explanation of why continued operation was necessary; and, if this time was more than one hour, an explanation of why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.
- v. The estimated total duration of the incident, i.e., the total length of time that the affected processes ran without the control measure(s) required pursuant to the record required by Condition 7.4.9(b) (i) and the estimated amount of fly ash handled during the incident.
- vi. A discussion of the probable cause of the incident and any preventative measures taken.

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- f. The Permittee shall keep records for all opacity observations made in accordance with Reference Method 9 for the affected processes that it conducts or that are conducted at its behest by individuals who are qualified to make such observations. For each occasion on which such observations are made, these records shall include the formal report for the observations if conducted pursuant to Condition 7.4.7 (Opacity Observations Requirements), or otherwise the identity of the observer, a description of the observations that were made, the operating condition of the affected process(es), the observed opacity, copies of the raw data sheets for the observations, and the reason for the opacity observations, e.g., Reference Method 9 opacity observations required by Condition 7.4.7(a) (i), written request by the Illinois EPA, or any required Reference Method 9 opacity observations following observations of visible emissions under Condition 7.4.8(b).

7.4.10 Reporting Requirements

a. Reporting of Deviations

The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for the affected processes, as follows. Such notifications shall include a description of each deviation and a discussion of the probable cause of deviation, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7) (f) (ii) of the Act.

- i. For those breakdown or malfunction PM and opacity events that require notification and reporting pursuant to Condition 7.4.10(b) (i), notification and reporting shall be provided pursuant to Condition 7.4.10(b) (i) rather than 7.4.10(a).
- ii. Within 30 days after the conclusion of an incident in which the Permittee continued to operate an affected process for more than 12 operating hours after discovering that emission control measures required by the record identified in Condition 7.4.9(b) (i) were not present or operating, the Permittee shall submit written notice to the Illinois EPA. Such notifications shall be accompanied

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by a copy of the records for the incident required by Condition 7.4.9(e).

iii. A. Except for events and incidents for which notification or reporting is required by Condition 7.4.10(a)(ii) or 7.4.10(b)(i), as referenced in 7.4.10(a)(i), all other notifications shall be submitted with the quarterly reports required by Condition 7.4.10(b)(ii).

B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.

b. Reporting When Continued Operation Occurred During Malfunctions and Breakdowns

Pursuant to 35 IAC 201.263 and Sections 39.5(7)(a) and (f) of the Act, the Permittee shall provide the following notifications and reports to the Illinois EPA for incidents when operation of an affected process(es) continued with excess emissions or excess opacity during malfunction or breakdown as addressed by Condition 7.4.3(b).

i. A. The Permittee shall immediately notify the Illinois EPA's Regional Office, by telephone, facsimile or electronic mail, for each incident in which the opacity from an affected process exceeds 30 percent for eight or more 6-minute averaging periods within a two hour period unless the Permittee has begun the shutdown by such time. (Otherwise, if opacity during an incident only exceeds 30 percent for no more than seven 6-minute averaging periods, the Permittee need only report the incident in the quarterly report, in accordance with Condition 7.4.10(b)(ii).)

B. Upon conclusion of each incident that is two hours or more in duration, the

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Permittee shall submit a written follow-up notice to the Illinois EPA, Compliance Section and Regional Office, within 15 days providing a copy of the records for the incident required by Condition 7.4.9(e).

- ii. The Permittee shall submit quarterly reports to the Illinois EPA that include the following information for incidents during the quarter in which affected processes continued to operate during malfunction or breakdown with excess emissions or excess opacity. These reports shall be submitted with the quarterly reports submitted for the coal-fired boiler pursuant to Condition 7.1.10-2(a).
 - A. A listing of such incidents, in chronological order, that includes:
 - I. The date, time, and duration of each incident;
 - II. The identity of the affected process(es) involved in the incident; and
 - III. Whether a follow-up notice was submitted for the incident pursuant to Condition 7.4.10(b)(i)(B), with the date of the notice.
 - B. A description of the incident, discussion of probable cause of the incident, corrective actions taken, and any preventative measures taken; provided, however, that the Permittee need not resubmit information provided in a prior report for an incident, as identified above, but may elect to supplement the prior submittal.
 - C. The sum duration of all incidents during the quarter.
 - D. If there have been no such incidents during the calendar quarter, this shall be stated in the report.

7.4.11 Operational Flexibility/Anticipated Operating Scenarios

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The Permittee is authorized to make the following physical or operational changes with respect to the affected processes without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Operation of additional dust control measures.
- b. Operation of replacement dust control measures that are of equal or greater effectiveness in controlling visible emissions than the measures being replaced, as recognized in a Construction Permit for such measures.

7.4.12 Compliance Procedures

- a. Compliance with Condition 7.4.4 is addressed by the observations, inspections, and recordkeeping required by Conditions 7.4.7(a), 7.4.8, and 7.4.9, respectively.
- b. Compliance with Condition 7.4.6 is addressed by the inspections and recordkeeping required by Conditions 7.4.8 and 7.4.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

7.5 Auxiliary Boiler

7.5.1 Description

The boiler is used to provide heat for the plant. This boiler, which was built in 1984, has a nominal capacity of 175 mmBtu/hr. The boiler is also used to generate steam for certain startups of the coal-fired boilers. It is not used to directly generate electricity. The boiler is fueled by natural gas only and is equipped with a continuous oxygen trim system that maintains an optimum air to fuel ratio.

Note: The description in Condition 7.5.1 is for informational purposes only and implies no limits or constraints.

7.5.2 List of Emission Units and Air Pollution Control Equipment

Unit	Description	Control Equipment
Auxiliary Boiler BLR3	Natural Gas-Fired Boiler	None

7.5.3 Applicability Provisions

- a. The "affected boiler" for the purpose of these unit-specific conditions, is the boiler described in Conditions 7.5.1 and 7.5.2.
- b. Because the boiler is located at, or is part of, a major source of HAP, the affected boiler is also an affected source under the federal NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR Part 63, Subpart DDDDD. As an affected source, the Permittee must comply with applicable requirements of the NESHAP, 40 CFR Part 63, Subpart DDDDD, and related requirements of 40 CFR 63, Subpart A, General Provisions, for the affected boiler. The affected boiler is an existing boiler designed to burn gas 1 fuels, in the subcategory specified at 40 CFR 63.7499(1).

7.5.4 Applicable Emission Standards

- a. The standard that addresses the opacity of the emission of smoke or other particulate matter from

the affected boiler is set forth in Condition 5.2.2(b).

- b. The emissions of CO from the affected boiler shall not exceed 200 ppm, corrected to 50 percent excess air, pursuant to 35 IAC 216.121.

7.5.5 Non-Applicability of Regulations of Concern

- a. The affected boiler is not subject to 35 IAC 217.121, because the design heat input capacity of the affected boiler is less than 250 mmBtu/hr.
- b. The affected boiler is not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources because the affected boiler does not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels for all criteria pollutants.
- c. Pursuant to 40 CFR 63.7500(e), the affected boiler is not subject to the emission limits in Tables 1 and 2 to 40 CFR 63 Subpart DDDDD, or the operating limits in Table 4 to 40 CFR 63 Subpart DDDDD.

7.5.6 Work Practices and Operational Limitations

- a. As part of its operation and maintenance of the affected boiler, the Permittee shall perform a combustion evaluation on the affected boiler in each calendar year in which the boiler is operated, unless a tune-up is performed in that calendar year in accordance with Condition 7.5.6(b), pursuant to Section 39.5(7)(d) of the Act. This evaluation shall consist of process measurements of the concentration of CO in the flue gas of the affected boiler, as well as any adjustments and/or corrective measures undertaken for the combustion systems of the boiler.
- b. Pursuant to 40 CFR 63.7540(a)(12), the Permittee shall conduct a tune-up of the affected boiler every five years as specified in 40 CFR 63.7540, according to the schedule specified in 40 CFR 63.7515(d).
- c. Pursuant to Section 39.5(7) of the Act, natural gas shall be the only fuel fired in the affected boiler.

- d. Pursuant to 40 CFR 63.7500(a)(3), at all times, the Permittee shall operate and maintain the affected boiler (as defined in 40 CFR 63.7490), including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

7.5.7 Opacity Observation Requirements

- a. The Permittee shall have the opacity of the exhaust from the affected boiler during representative operating conditions determined by a qualified observer in accordance with Reference Method 9, as further specified below, pursuant to Section 39.5(7)(d) of the Act.
 - i. On an annual basis, unless the boiler operates for less than 500 hours in the calendar year. For this purpose, opacity testing shall first be conducted within the first 500 hours of operation of the boiler after the effectiveness of this Condition 7.5.7(a).
 - ii. Upon written request by the Illinois EPA, such testing shall be conducted within 45 calendar days of the request, or on the date that the affected boiler next operates, or on the date agreed upon by the Illinois EPA, whichever is later.
- b. The duration of opacity observations for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are each not greater than 10.0 percent.
- c. For each set of observations required by Conditions 7.5.7(a)(i) and (ii), the Permittee shall notify the Illinois EPA at least 5 days in advance of the date of the first observations. This notification shall include the name and employer of the observer(s) and identify any concerns for successful completion of observations, i.e., lack of suitable point for proper observation or inability to conduct observations under specified operating conditions. This condition supersedes the requirements of Condition 8.6.2.

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- d. The Permittee shall promptly notify the Illinois EPA of any changes in the date of the observations.
- e. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of the observations, if Illinois EPA personnel are present.
- f. The Permittee shall submit a written report for this testing within 15 days of the date of testing. This report shall include relevant information specified in Condition 8.6.3 and the following information:
 - i. Summary of results.
 - ii. Name of certified observer(s), copy of their current certification(s), and name of employer.
 - iii. Description of observation location and meteorological conditions.
 - iv. Detailed description of the operating conditions of the affected boiler during the observations, including fuel consumption (scf/hr) and firing rate (mmBtu/hr).

7.5.8 Intentionally Blank.

7.5.9 Recordkeeping Requirements

The Permittee shall maintain the following records for the affected boiler, pursuant to Sections 39.5(7) (a) and (e) of the Act:

- a. Operating records, which shall include the following information:
 - i. Information documenting the performance of the combustion evaluations required by Condition 7.5.6(a), including the date of the evaluation, the concentrations of CO measured at the start and conclusion of the evaluation, and a description of any adjustments and preventative and corrective measures undertaken for the combustion systems of the boiler.
- b. i. Records of gas usage for the affected boiler in scf/month and scf/year.

- ii. Records of operating hours (hours/calendar year).
- c. Records for all opacity measurements made in accordance with Reference Method 9 for the affected boiler that the Permittee conducts or that are conducted at its behest by individuals who are qualified to make such observations. For each occasion on which such observations are made, these records shall include the identity of the observer, a description of the various observations that were made, the observed opacity, and copies of the raw data sheets for the observations.
- d. Pursuant to 40 CFR 63.7540(a)(10)(vi), the Permittee shall maintain on-site and submit, if requested by the Illinois EPA, a report containing the boiler tune-up information described in paragraphs 40 CFR 63.7540(a)(10)(vi)(A) through (C).

7.5.10 Reporting Requirements

a. Reporting of Deviations

For the affected boiler, the Permittee shall promptly notify the Illinois EPA of deviations from permit requirements as follows. These notifications shall include a description of such deviations, including whether they occurred during startup or malfunction/breakdown, and a discussion of the probable cause of such deviations, any corrective actions taken and any preventative measures taken. [Sections 39.5(7)(a) and (f) of the Act]

- i. The Permittee shall submit written notice to the Illinois EPA within 30 days after any deviation from the relevant applicable requirement in Condition 7.5.4.
- ii. A. The Permittee shall undertake reporting with the quarterly reports required for the coal-fired boilers by Condition 7.1.10-1(a) for deviations from the work practice requirements and recordkeeping requirements.

B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported in writing to

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the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in the initial notifications and reports for such deviations.

- b. Pursuant to 40 CFR 63.7550(b), the Permittee shall submit a report, no later than January 31 of the year following the year during which a boiler tune-up is performed pursuant to Condition 7.5.6(b), with the boiler tune-up information specified at 40 CFR 63.7550(c) (5) (i) through (iii), (xiv) and (xvii).

7.5.11 Intentionally blank.

7.5.12 Compliance Procedures

- a. Compliance with the opacity limit in Condition 7.5.4(a) is addressed by the observations and recordkeeping required by Conditions 7.5.7(a) and 7.5.9(c), respectively.
- b. Compliance with the CO limit of Condition 7.5.4(b) is addressed by the work practice, and recordkeeping required by Conditions 7.5.6(b), and 7.5.9, respectively.
- c. Compliance with the work practices and operating restrictions required by Condition 7.5.6(b), (c) and (d) is addressed by the recordkeeping required by Condition 7.5.9.

Note: This condition is included in this permit pursuant to Section 39.5(7) (p) (v) of the Act.

7.6 Gasoline Storage Tank

7.6.1 Description

The 500 gallon capacity storage tank with submerged loading pipe is associated with non-retail dispensing of gasoline for plant vehicles and equipment.

Note: The description in Condition 7.6.1 is for informational purposes only and implies no limits or constraints.

7.6.2 List of Emission Units and Air Pollution Control Equipment

Unit	Description	Control Equipment
Tank TK2	Gasoline Storage Tank with Submerged Loading Pipe	None

7.6.3 Applicability Provisions

An "affected storage tank" for the purpose of these unit-specific conditions, is the storage tank described in Conditions 7.6.1 and 7.6.2.

7.6.4 Applicable Emission Standards

- a. The affected storage tank is subject to 35 IAC 215.122(b) and 215.583(a)(1), which provide that:
 - i. No person shall cause or allow the loading of any organic material into any stationary tank having a storage capacity of greater than 946 l (250 gal), unless such tank is equipped with a permanent submerged loading pipe, or satisfies one of several other compliance options as specified in 35 IAC 215.122(b).
 - ii. No person shall cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank at a gasoline dispensing facility unless the tank is equipped with a submerged loading pipe [35 IAC 215.583(a)(1)].

7.6.5 Non-Applicability of Regulations of Concern

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- a. The affected storage tank not being subject to the NSPS for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels), 40 CFR Part 60 Subpart Kb, because the capacity of the tank is less than 40 cubic meters (10,566 gallons).
- b. The affected storage tank not being subject to 35 IAC 215.121 and 215.122(a) because the capacity of the affected storage tank is less than 40,000 gallons.
- c. The affected storage tank not subject to the requirements of 35 IAC 215.583(a)(2) related to transfers of gasoline to a stationary storage tank at a gasoline dispensing facility because the affected tank is located in Christian County [35 IAC 215.583(b)].
- d. The affected gasoline storage tank is not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for VOM because the affected storage tank does not use add-on controls to achieve compliance with any applicable emission limits.
- e. The affected storage tank is not subject to the National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, 40 CFR Part 63, Subpart CCCCCC, because the gasoline storage tank is not located at an Area Source for Hazardous Air Pollutants.

7.6.6 Operational Limits

- a. Pursuant to Condition 7.6.4(a) (35 IAC 215.122(b) and 215.583(a)), the affected storage tank shall be equipped, operated and maintained with a submerged loading pipe or an equivalent device approved by the Illinois EPA. (The Illinois EPA has not approved use of other equivalent equipment in lieu of a submerged loading pipe.)

7.6.7 Intentionally Blank.

7.6.8 Inspection Requirements

- a. Not later than May 1st of each calendar year, the Permittee shall conduct an inspection of the affected storage tank to review its physical condition and ability to comply with the applicable

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equipment and operational requirements of Conditions 7.6.6(a), pursuant to Sections 39.5(7) (a) and (d) of the Act.

7.6.9 Recordkeeping Requirements

The Permittee shall maintain records of the following for the affected storage tank, pursuant to Section 39.5(7) (a) and (e) of the Act:

- a. Design information for the capacity of the tank and the presence of a permanent submerged loading pipe.
- b. Operating records or other records for the affected tank that shall include the following:
 - i. Information documenting performance of the inspections that are required by Condition 7.6.8, including date and description of the inspection, confirmation of the adequacy of the specific features of the tank required for control of emissions, and identification of any such features that are not in proper working order or otherwise deficient, with recommendations for maintenance, repair or replacement.
 - ii. Information identifying deviations from applicable equipment requirements, with a detailed description and explanation.
- c. Maintenance and repair records for the affected storage tank, as related to the repair or replacement of the loading pipe.
- d. Records for each shipment of material loaded into the affected storage tank, including type of material and amount.
- e. Throughput of material, gal/mo and gal/yr, by type of material.

7.6.10 Reporting Requirements

For the affected storage tank, the Permittee shall promptly notify the Illinois EPA of deviations from permit requirements as follows. Such notifications shall include a description of each incident and a discussion of the probable cause of deviation, any

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corrective actions taken and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act:

- a. The Permittee shall submit written notice to the Illinois EPA within 30 days after any filling of an affected storage tank that was not in compliance with the requirements of Conditions 7.6.4 or 7.6.6, i.e., that was conducted without a submerged loading pipe.
- b. The Permittee shall notify the Illinois EPA through the quarterly reports required for the coal-fired boilers by Condition 7.1.10-2(a) for deviations from applicable recordkeeping requirements.

7.6.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational change with respect to the affected storage tank without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or for an activity constituting construction or modification as defined in 35 IAC 201.102.

- a. Changes to components related to the submerged loading pipe, including addition of new components and repair and replacement of components.
- b. Changes in the material stored in the affected storage tank.

7.6.12 Compliance Procedures

- a. Compliance with Condition 7.6.4(a) is addressed by the use of a submerged loading pipe as required in Condition 7.6.6(a) and by the inspections and recordkeeping required by Conditions 7.6.8 and 7.6.9.
- b. Compliance with Condition 7.6.6 is addressed by the inspections and the recordkeeping required by Conditions 7.6.8 and 7.6.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

7.7 Dry Sorbent Handling Facility

7.7.1 Description

The Permittee operates a material handling facility to receive, store, and process sorbent materials for the dry sorbent injection (DSI) systems on the coal-fired boilers (see Section 7.1). The facility includes two railcar unloading stations, two railcar unloading silos (RAILSILO 1 and 2), eight storage silos with individual bin vent baghouses (SILO 1 through 8), eight weigh hoppers with individual cartridge filters, and eight grinding mills with individual two stage receiver baghouse systems.

Note: The description in Condition 7.7.1 is for informational purposes only and implies no limits or constraints.

7.7.2 List of Emission Units and Air Pollution Control Equipment

The following is a list of the emission units for the Dry Sorbent Handling Facility and their associated emission control measures:

Emission Unit Description	Emission Control Measures
Railcar Unloading Stations	Enclosure
Rail Storage Silos	Enclosure and Bin Vent Baghouses
Sorbent Storage Silos	Enclosure and Bin Vent Baghouses
Weigh Hoppers	Enclosure and Cartridge Filters
Grinding Mills	Enclosure and Receiver Baghouses and Cartridge Filters

7.7.3 Applicability Provisions

- An "affected process" for the purpose of these unit-specific conditions is an individual process emission unit that handles sorbent materials as described in Conditions 7.7.1 and 7.7.2.
- Certain affected processes (specifically, storage silos, weigh hoppers, and mills in the sorbent material handling and storage facilities associated with the affected DSI systems) for which construction, modification, or reconstruction, commenced after August 31, 1983 are also "affected facilities" for purposes of the New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants, 40 CFR 60 Subpart 000, pursuant to 40 CFR 60.670(a)(1). These affected facilities are subject to applicable requirements of the NSPS, 40 CFR 60 Subpart

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OOO and related requirements in the NSPS, 40 CFR 60
Subpart A, General Provisions.

7.7.4 Applicable Emission Standards

- a. Pursuant to the NSPS, 40 CFR 60.672(b), fugitive emissions of PM from the affected facilities shall not exceed 7 percent opacity.
- b. Pursuant to the NSPS, 40 CFR 60.672(f), stack emissions of PM, as defined by 40 CFR 60.671, from the affected facilities shall not exceed 7 percent opacity.
- c. The affected processes shall comply with 35 IAC 212.321(a): "no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of [35 IAC 212.321]." Each unit, i.e. each storage silo, weigh hopper, and mill, shall demonstrate compliance individually (see also Attachment 1) [35 IAC 212.321(a)].
- d. The state standard that addresses fugitive emissions, as defined by 35 IAC 211.2490, of the affected processes is set forth in Condition 5.2.2(a).
- e. The state standard that addresses the opacity of the emission of smoke or other particulate matter from the affected processes is set forth in Condition 5.2.2(b).

7.7.5 Non-Applicability of Regulations of Concern

- a. The affected processes are not subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) for Major Stationary Sources for PM because the affected processes do not have potential pre-control device emissions of the applicable regulated air pollutant that equals or exceeds major source threshold levels.

7.7.6 Work Practices, Operational and Production Limits, and Emission Limitations

- a. i. The Permittee shall implement and maintain the control measures for the affected operations, such as enclosures and covers, for emissions of

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particulate matter to support periodic monitoring for the applicable requirements in Condition 7.7.4, pursuant to Section 39.5(7) (a) of the Act.

- ii. The control measures implemented and maintained shall be identified and operated in conformance with the record required by Condition 7.7.9(b) (1) to satisfy Condition 7.7.6(a) (i).

b. Pursuant to Construction Permit 11120041,

- i. The throughput of sorbent material for the material handling and storage facilities shall not exceed 210,240 tons per year. [T1]
- ii. Emissions of PM/PM₁₀/PM_{2.5} from the affected sorbent handling, storage, and milling facilities shall not exceed the following limits: [T1]

Operation	Limits	
	Lb/Ton of Material Handled	Tons/Year
Railcar Unloading	0.004	0.4
Storage Silos and Milling Operations	0.04	4.2

- iii. Emissions of fugitive particulate matter due to the increased vehicle traffic on paved plant roads used for transport of sorbents and the additional amount of material captured by the ESPs from the affected boilers with the affected systems shall not exceed 3.6, 0.8, and 0.2 tons per year of PM, PM₁₀, and PM_{2.5}, respectively. [T1]
- iv. Emissions of fugitive particulate matter due to the increased vehicle traffic on unpaved plant roads used for final disposal of additional amount of material captured by the ESPs from the affected boilers with the affected systems shall not exceed 7.8, 2.1, and 0.2 tons per year of PM, PM₁₀, and PM_{2.5}, respectively. [T1]
- v. Compliance with the annual limits shall be determined from the sum of the data for the current month plus the preceding 11 months (running 12 months total). [T1]
- vi. Maintenance and repair of filters and other control measures shall be performed to assure that such

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measures function properly when material is being handled. [T1]

- c. At all times, the Permittee shall maintain and operate affected facilities that are subject to NSPS, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions, pursuant to 40 CFR 60.11(d).

7.7.7 Opacity Observation Requirements

- a. i. The Permittee shall have the opacity of the emissions from the affected processes during representative operating conditions determined by a qualified observer in accordance with Reference Method 9, as further specified below, pursuant to Section 39.5(7) (d) of the Act.
 - A. For each affected process, observations shall be conducted not later than two years of the effectiveness of this condition.
 - B. Thereafter, for each affected process, observations shall be conducted every third year.
 - C. Upon written request by the Illinois EPA, such observation shall be conducted for specific affected process(es) not later than 45 calendar days after the Permittee has received of the request or on such later date agreed to by the Illinois EPA.
- ii.
 - A. The duration of opacity observations (for affected processes subject to the NSPS, 40 CFR 60 Subpart 000,) for each test shall be at least 30 minutes (five 6-minute averages).
 - B. The duration of opacity observations (for affected processes not subject to the NSPS, 40 CFR 60 Subpart 000,) for each test shall be at least 30 minutes (five 6-minute averages) unless the average opacities for the first 12 minutes of observations (two six-minute averages) are each not greater than 10.0 percent.
 - C. The Permittee shall conduct observations of opacity in accordance with the applicable requirements of 40 CFR 60.675 and 40 CFR 60.8.

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- iii. A. For each set of observations required by Conditions 7.7.7(a) (i) (A), (B), and (C), the Permittee shall notify the Illinois EPA at least 7 days in advance of the date of the first observation(s).
- B. The Permittee shall promptly notify the Illinois EPA of any changes in the date of the first observation(s).
- iv. The Permittee shall provide a copy of its observer's readings to the Illinois EPA at the time of the observation(s), if Illinois EPA personnel are present.
- v. The Permittee shall submit a written report for these observations not later than 30 days after the date of completion of each set of opacity observations required by Conditions 7.7.7(a) (i) (A), (B), and (C). The report shall include a copy of the current Reference Method 9 certification of each observer and identify the observer's current employer. This report shall also include the following for each observation:
 - A. Identification of the affected process for which observations were conducted.
 - B. Date and time of observations.
 - C. Description of observation condition, including recent weather.
 - D. Description of the operating conditions of the affected processes.
 - E. Raw data.
 - F. Opacity determinations.
 - G. Conclusions.

7.7.8 Inspection Requirements

- a. The Permittee shall perform inspections as follows to confirm compliance with the requirements of Condition 7.7.6(a) [Sections 39.5(7) (a) and (d) of the Act].

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- i. Inspections of affected systems and associated sorbent material storage and handling facilities, including emission control measures shall be conducted at least once per month when the unit is in operation.
 - ii. If an affected process is not in operation during an inspection, this shall be noted in the inspection record.
 - iii. The records required by Condition 7.7.9(d) for these inspections shall be signed off by supervisory or management personnel.
- b. As part of the inspections of Condition 7.7.8(a), the Permittee shall perform observations of the affected processes for visible emissions in accordance with 35 IAC 212.107 to demonstrate compliance with the requirements of Condition 7.7.4(b), unless the Permittee elects to perform Reference Method 9 observations in accordance with Condition 7.7.7(a). These observations may be scheduled so that only a number of affected processes are reviewed during each inspection, provided, however, that all affected processes that are in routine service shall be observed at least once during each calendar year in which it is operating [Sections 39.5(7)(b) and (d) of the Act].
- c. If visible emissions are observed, the Permittee shall take corrective action within 2 hours to return the status of the process to no visible emission or shall conduct observations of opacity by Reference Method 9 within one week in accordance with Condition 7.7.7(a). If the Permittee performs Reference Method 9 observations under this Condition 7.7.8(b), such observations are not subject to the notice requirements of Condition 7.7.7(a)(iii) through (v) [Sections 39.5(7)(b) and (d) of the Act].

7.7.9 Recordkeeping Requirements

- a. The Permittee shall maintain records of the following for the affected processes, pursuant to Sections 39.5(7)(a) and (e) of the Act:
- i. The maximum operating capacity of each affected process (tons/hr).
 - ii. Manufacturer/vendor or Permittee developed operating and maintenance procedures.
- b. Pursuant to Section 39.5(7)(a) of the Act:

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- i. The Permittee shall maintain a record, which shall be kept up to date to reflect any changes that the Permittee may elect to make, that contains the following for each affected process for which a control measure(s) must be implemented and maintained pursuant to Condition 7.7.6(a) (i).
 - A. The type of emission unit (grinding mills, screening, etc.) and the Permittee's designation for each emission unit with a description of the emission points on the emission unit;
 - B. Whether the emission unit is considered to be an "affected facility" for purposes of the NSPS, with copies of supporting documentation;
 - C. Description of the primary control measures that are utilized, with a description of the control measure and estimated frequency of application, if not continuous; and
 - D. Description of any secondary control measures that would be used based on circumstances (freezing temperatures, recent rain, dry weather, etc.) with identification of the circumstances in which they would be used and whether they would take the place of or supplement the primary control measures.
- ii. Accompanying this record, the Permittee shall maintain a demonstration that confirms that the control measures identified in the record required by Condition 7.7.9(b) (i) are sufficient to assure compliance with Conditions 7.7.4(c) and 7.7.6(b) (ii) at the maximum process weight rate at which each affected process can be operated (tons sorbent/hour), with supporting emission calculations and documentation for the emission factors and the efficiency of the control measures being relied upon by the Permittee. This demonstration shall include the information addressed by Condition 7.7.9(a), emission factors for uncontrolled PM emissions, and/or controlled PM emissions published by USEPA or other credible sources.
- iii. A copy of the record required by Condition 7.7.9(b) (i) shall be submitted to the Illinois EPA not later than 60 days after the effectiveness of

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Condition 7.7.9(b) (i). Any subsequent revisions to this record related to control measures or affected processes, including their method of operation, shall be submitted not later than 30 days after the date of the revision. Upon request by the Illinois EPA, the Permittee shall submit other relevant information related to the control measures.

- c. Pursuant to Construction Permit 11120041, the Permittee shall maintain operating records for the following:
 - i. Records of total amount of sorbent material handled (tons/month and tons/year) with type of sorbent. [T1]
 - ii. Records for the implementation of fugitive dust control measures on roadways used by trucks that handle sorbent and fly ash. [T1]
- d. Pursuant to Section 39.5(7) (a) of the Act, the Permittee shall maintain records of the following for the inspections required by Condition 7.7.8:
 - i. Date and time the inspection was performed, name(s) of inspection personnel, and specific process(s) inspected.
 - ii. The observed condition of the control measures identified in the record required by Condition 7.7.9(b) (i) for each inspected affected process, including the presence of any visible emissions or atypical accumulations of sorbent in the vicinity of the process.
 - iii. A description of any maintenance or repair of equipment associated with control measures identified in the record required by Condition 7.7.9(b) (i) that is recommended as a result of the inspection and associated work order number(s).
 - iv. A description of any corrective action taken if visible emissions were observed including whether corrective action took place within 2 hours of the observation and whether the status of the process returned to no visible emission.
- e. Pursuant to Section 39.5(7) (a) of the Act, the Permittee shall maintain records of the following for each incident when any affected process operated without the control measures specified by the record in Condition 7.7.9(b) (i):

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- i. The date of the incident and identification of the affected process(es) that was involved.
 - ii. A description of the incident, including the control measure(s) that was not present or operated as required by the records identified in Condition 7.7.9(b) (i); other control measures or mitigation measures that were operated, if any; the measures taken to minimize and correct deficiencies with chronology; and an explanation of whether the emissions or opacity during the incident exceeded any applicable emission or opacity standard, as listed in Condition 7.7.4.
 - iii. The time at and means by which the incident was identified, e.g., scheduled inspection or observation by operating personnel.
 - iv. The length of time after the incident was identified that the affected processes continued to operate before the control measures identified in the records required by Condition 7.7.9(b) (i) were in place or the processes were shut down (to resume operation only after these control measures were in place); an explanation of why continued operation was necessary; and, if this time was more than one hour, an explanation of why this time was not shorter, including a description of any mitigation measures that were implemented during the incident.
 - v. The estimated total duration of the incident, i.e., the total length of time that the affected processes ran without the control measures required pursuant to the record required by Condition 7.7.9(b) (i) and the estimated amount of limestone handled during the incident.
 - vi. A discussion of the probable cause of the incident and any preventative measures taken.
- f. Pursuant to Section 39.5(7) (a) of the Act, the Permittee shall keep records for all opacity observations made in accordance with Reference Method 9 for the affected processes that it conducts or that are conducted at its behest by individuals who are qualified to make such observations. For each occasion on which such observations are made, these records shall include the formal report for the observations if conducted pursuant to Condition 7.7.7 (Opacity Observations Requirements), or

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otherwise the identity of the observer, a description of the observations that were made, the operating condition of the affected process(es), the observed opacity, copies of the raw data sheets for the observations, and the reason for the opacity observations, e.g., Reference Method 9 opacity observations required by Condition 7.7.7(a)(i), written request by the Illinois EPA, or any required Reference Method 9 opacity observations following observations of visible emissions under Condition 7.7.8(b).

7.7.10 Reporting Requirements

a. Reporting of Deviations

The Permittee shall promptly notify the Illinois EPA of deviations from permit requirements for the affected processes, as follows. Such notifications shall include a description of each deviation and a discussion of the probable cause of deviation, any corrective actions taken, and any preventative measures taken, pursuant to Section 39.5(7)(f)(ii) of the Act.

- i. Within 30 days after the conclusion of an incident in which the Permittee continued to operate an affected process for more than 12 operating hours after discovering that emission control measures required by the record identified in Condition 7.7.9(b)(i) were not present or operating, the Permittee shall submit written notice to the Illinois EPA. Such notifications shall be accompanied by a copy of the records for the incident required by Condition 7.7.9(e).
- ii. A. Except for events and incidents for which notification or reporting is required by Condition 7.7.10(a)(i), all other notifications shall be submitted with the quarterly reports that are submitted for the coal-fired boilers pursuant to Condition 7.1.10-2(a).
- B. With the quarterly report, the Permittee shall also address deviations that occurred during the quarter that have been separately reported to the Illinois EPA, with a summary of such deviations. For this purpose, the Permittee need not resubmit the detailed information provided in prior notifications and reports for such deviations.

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- b. Pursuant to Construction Permit 11120041, the Permittee shall notify the Illinois EPA in advance of using a sorbent other than Trona or sodium bicarbonate in the affected systems. This notification shall be submitted at least two months in advance if possible or otherwise promptly after the Permittee learns that an alternative sorbent will need to be used. This notification shall identify the alternative sorbent and include an explanation of the reason for use of an alternate sorbent, the expected duration for use of the alternative sorbent (if temporary), and the expected changes in sorbent injection rates. [T1]

7.7.11 Operational Flexibility/Anticipated Operating Scenarios

The Permittee is authorized to make the following physical or operational changes with respect to the affected processes without prior notification to the Illinois EPA or revision of this permit, pursuant to Section 39.5(7)(a) and (l) of the Act. This condition does not affect the Permittee's obligation to continue to comply with applicable requirements or to properly obtain a construction permit in a timely manner for any activity constituting a modification as defined by 40 CFR 52.21 or 35 IAC 203.207, as applicable, or for an activity for which a permit is required pursuant to 35 IAC 201.142.

- a. Operation of additional dust control measures.
- b. Operation of replacement dust control measures that are of equal or greater effectiveness in controlling visible emissions than the measures being replaced, as recognized in a Construction Permit for such measures.

7.7.12 Compliance Procedures

- a. Compliance with Condition 7.7.4 is addressed by the work practices, observations, inspections, and recordkeeping required by Conditions 7.7.6, 7.7.7, 7.7.8, and 7.7.9, respectively.
- b. Compliance with Condition 7.7.6 is addressed by the inspections and recordkeeping required by Conditions 7.7.8, and 7.7.9, respectively.

Note: This condition is included in this permit pursuant to Section 39.5(7)(p)(v) of the Act.

8.0 GENERAL PERMIT CONDITIONS

8.1 Permit Shield

Pursuant to Section 39.5(7)(j) of the Act, the Permittee has requested and has been granted a permit shield. This permit shield provides that compliance with the conditions of this permit shall be deemed compliance with applicable requirements which were applicable as of the date the proposed permit for this source was issued, provided that either the applicable requirements are specifically identified within this permit, or the Illinois EPA, in acting on this permit application, has determined that other requirements specifically identified are not applicable to this source and this determination (or a concise summary thereof) is included in this permit.

8.2 Applicability of Title IV Requirements (Acid Deposition Control)

This source is an affected source under Title IV of the CAA and is subject to requirements pursuant to Title IV of the CAA as specified in Section 6.2 of this permit. To the extent that the federal regulations promulgated under Title IV of the CAA, are inconsistent with the requirements of this permit, the federal regulations promulgated under Title IV of the CAA shall take precedence pursuant to Section 39.5(17)(j) of the Act.

8.3 Emissions Trading Programs

No permit revision shall be required for increases in emissions allowed under any USEPA approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for elsewhere in this permit and that are authorized by the applicable requirement [Section 39.5(7)(o)(vii) of the Act].

8.4 Operational Flexibility/Anticipated Operating Scenarios

8.4.1 Changes Specifically Addressed by Permit

Physical or operational changes specifically addressed by the Conditions of this permit that have been identified as not requiring Illinois EPA notification may be implemented without prior notice to the Illinois EPA.

8.4.2 Changes Requiring Prior Notification

The Permittee is authorized to make physical or operational changes that contravene express permit terms without applying for or obtaining an amendment to this permit, provided that [Section 39.5(12)(a)(i) of the Act]:

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- a. The changes do not violate applicable requirements;
- b. The changes do not contravene federally enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
- c. The changes do not constitute a modification under Title I of the CAA;
- d. Emissions will not exceed the emissions allowed under this permit following implementation of the physical or operational change; and
- e. The Permittee provides written notice to the Illinois EPA, Division of Air Pollution Control, Permit Section, at least 7 days before commencement of the change. This notice shall:
 - i. Describe the physical or operational change;
 - ii. Identify the schedule for implementing the physical or operational change;
 - iii. Provide a statement of whether or not any New Source Performance Standard (NSPS) is applicable to the physical or operational change and the reason why the NSPS does or does not apply;
 - iv. Provide emission calculations which demonstrate that the physical or operational change will not result in a modification; and
 - v. Provide a certification that the physical or operational change will not result in emissions greater than authorized under the Conditions of this permit.

8.5 Testing Procedures

Tests conducted to measure composition of materials, efficiency of pollution control devices, emissions from process or control equipment, or other parameters shall be conducted using standard test methods if applicable test methods are not specified by the applicable regulations or otherwise identified in the condition of this permit. Documentation of the test date, conditions, methodologies, calculations, and test results shall be retained pursuant to the recordkeeping procedures of this permit. Reports of any tests conducted as required by this permit or as the

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result of a request by the Illinois EPA shall be submitted as specified in Conditions 8.6.3 and 8.6.4.

8.6 Reporting Requirements

8.6.1 Monitoring Reports

Reports summarizing required monitoring as specified in the conditions of this permit shall be submitted to the Illinois EPA every six months as follows, unless more frequent submittal of such reports is required in Section 7 of this permit [Section 39.5(7)(f) of the Act]:

<u>Monitoring Period</u>	<u>Report Due Date</u>
January - June	September 1
July - December	March 1

All instances of deviations from permit requirements must be clearly identified in such reports. All such reports shall be certified in accordance with Condition 9.9.

8.6.2 Test Notifications

Unless otherwise specified elsewhere in this permit, a written test plan for any test required by this permit shall be submitted to the Illinois EPA for review at least 60 days prior to the testing pursuant to Section 39.5(7)(a) of the Act. The notification shall include at a minimum:

- a. The name and identification of the affected unit(s);
- b. The person(s) who will be performing sampling and analysis and their experience with similar tests;
- c. The specific conditions under which testing will be performed, including a discussion of why these conditions will be representative of maximum emissions and the means by which the operating parameters for the source and any control equipment will be determined;
- d. The specific determinations of emissions and operation that are intended to be made, including sampling and monitoring locations;

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- e. The test method(s) that will be used, with the specific analysis method, if the method can be used with different analysis methods;
- f. Any minor changes in standard methodology proposed to accommodate the specific circumstances of testing, with justification; and
- g. Any proposed use of an alternative test method, with detailed justification.

8.6.3 Test Reports

Unless otherwise specified elsewhere in this permit, the results of any test required by this permit shall be submitted to the Illinois EPA within 60 days of completion of the testing. The test report shall include at a minimum [Section 39.5(7)(e)(i) of the Act]:

- a. The name and identification of the affected unit(s);
- b. The date and time of the sampling or measurements;
- c. The date any analyses were performed;
- d. The name of the company that performed the tests and/or analyses;
- e. The test and analytical methodologies used;
- f. The results of the tests and/or analyses, with raw data and sample calculations;
- g. The operating conditions at the time of the sampling or measurements; and
- h. The name of any relevant observers present including the testing company's representatives, any Illinois EPA or USEPA representatives, and the representatives of the source.

8.6.4 Reporting Addresses

- a. Unless otherwise specified in the particular provision of this permit or in the written instructions distributed by the Illinois EPA for particular reports, reports and notifications shall be sent to the Illinois EPA - Air Compliance Section with a copy sent to the Illinois EPA - Air Regional Field Office.

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- b. As of the date of issuance of this permit, the addresses of the offices that should generally be utilized for the submittal of reports and notifications are as follows:

i. Illinois EPA - Air Compliance Section

Illinois Environmental Protection Agency (MC 40)
Bureau of Air
Compliance & Enforcement Section (MC 40)
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

OR

Illinois Environmental Protection Agency
Bureau of Air
Compliance & Enforcement Section (#40)
1021 North Grand Avenue East
Springfield, Illinois 62702

ii. Illinois EPA - Air Regional Field Office

Illinois Environmental Protection Agency
Bureau of Air
Field Operations Section (#41)
1021 North Grand Avenue East
Springfield, Illinois 62702

iii. USEPA Region 5 - Air Branch

USEPA (AR - 17J)
Air & Radiation Division
77 West Jackson Boulevard
Chicago, Illinois 60604

- c. Permit applications should be addressed to the Air Permit Section. As of the date of issuance of this permit, the address of the Air Permit Section is as follows:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Air Permit Section (MC 11)
1021 North Grand Avenue East
P.O. Box 19506
Springfield, Illinois 62794-9506

OR

Illinois Environmental Protection Agency

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Division of Air Pollution Control
Air Permit Section (MC 11)
1021 North Grand Avenue East
Springfield, Illinois 62702

8.7 Title I Conditions

Notwithstanding the expiration date on the first page of this CAAPP permit, Title I conditions in this permit, which are identified by a T1, T1N, or T1R designation, remain in effect until such time as the Illinois EPA takes action to revise or terminate them in accordance with applicable procedures for action on Title I conditions. This is because these conditions either: (a) incorporate conditions of earlier permits that were issued by the Illinois EPA pursuant to authority that includes authority found in Title I of the Clean Air Act (T1 conditions), (b) were newly established in this CAAPP permit pursuant to authority that includes such Title I authority (T1N conditions), or (c) reflect a combination of conditions of such previous permits and revisions to those conditions established in this CAAPP permit (T1R conditions). (See also Condition 1.5.)

9.0 STANDARD PERMIT CONDITIONS

9.1 Effect of Permit

- 9.1.1 The issuance of this permit does not release the Permittee from compliance with State and Federal regulations which are part of the Illinois State Implementation Plan, as well as with other applicable statutes and regulations of the United States or the State of Illinois or applicable ordinances, except as specifically stated in this permit and as allowed by law and rule [Section 39.5(7)(j)(iv) of the Act].
- 9.1.2 In particular, this permit does not alter or affect the following:
- a. The provisions of Section 303 (emergency powers) of the CAA, including USEPA's authority under that Section;
 - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 - c. The applicable requirements of the acid rain program consistent with Section 408(a) of the CAA; and
 - d. The ability of USEPA to obtain information from a source pursuant to Section 114 (inspections, monitoring, and entry) of the CAA.
- 9.1.3 Notwithstanding the conditions of this permit specifying compliance practices for applicable requirements, any person (including the Permittee) may also use other credible evidence to establish compliance with, or violation of, any applicable requirement to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the Permittee, including, but not limited to, challenging the use of the USEPA's credible evidence rule in the context of any future proceeding consistent with *Clean Air Implementation Project v. EPA*, 150 F3d 1200 (D.C. Circuit 1998).

9.2 General Obligations of Permittee

9.2.1 Duty to Comply

The Permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the CAA and the Act, and is grounds for any or all of the following: enforcement action, permit

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termination, revocation and reissuance, modification, or denial of a permit renewal application [Section 39.5(7) (o) (i) of the Act].

The Permittee shall meet applicable requirements that become effective during the permit term in a timely manner unless an alternate schedule for compliance with the applicable requirement is established.

9.2.2 Duty to Maintain Equipment

The Permittee shall maintain all equipment covered under this permit in such a manner that the performance or operation of such equipment shall not cause a violation of applicable requirements.

9.2.3 Duty to Cease Operation

No person shall cause, threaten or allow the continued operation of any emission unit during malfunction or breakdown of the emission unit or related air pollution control equipment if such operation would cause a violation of an applicable emission standard, regulatory requirement, ambient air quality standard or permit limitation unless this permit provides for such continued operation consistent with the Act and applicable Board regulations [Section 39.5(6) (c) of the Act].

9.2.4 Disposal Operations

The source shall be operated in such a manner that the disposal of air contaminants collected by the equipment operations, or activities shall not cause a violation of the Act or regulations promulgated thereunder.

9.3 Obligation to Allow Illinois EPA Surveillance

Pursuant to Sections 4(b), 39.5(7) (a), and 39.5(7) (p) (ii) of the Act, upon presentation of credentials and other documents as may be required by law and in accordance with constitutional limitations, the Permittee shall allow the Illinois EPA, or an authorized representative to perform the following.

- a. Enter upon the Permittee's premises where the emission unit(s) are located, or emissions-related activity is conducted, or where records must be kept under the conditions of this permit.
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.

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- c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.
- d. Sample or monitor any substances or parameters at any location:
 - i. As authorized by the Clean Air Act, at reasonable times, for the purposes of assuring compliance with this CAAPP permit or applicable requirements; or
 - ii. As otherwise authorized by the Act.
- e. Enter and utilize any photographic, recording, testing, monitoring, or other equipment for the purposes of preserving, testing, monitoring, or recording any activity, discharge or emission at the source authorized by this permit.

9.4 Fees

The Permittee shall pay fees to the Illinois EPA consistent with the fee schedule approved pursuant to Section 39.5(18) of the Act, and submit any information relevant thereto. [Section 39.5(7)(o)(vi) of the Act] Fees shall be paid by check sent to one of the following two addresses:

Illinois Environmental Protection Agency
Fiscal Services Section
1021 North Grand Avenue East
Springfield, IL 62702

OR

Illinois Environmental Protection Agency
Fiscal Services Section
P.O. Box 19276
Springfield, IL 62794-9276

9.5 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege [Section 39.5(7)(o)(iv) of the Act].

9.6 Recordkeeping

9.6.1 Control Equipment Maintenance Records

A maintenance record shall be kept on the premises for each item of air pollution control equipment. As a

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minimum, this record shall show the dates of performance and nature of preventative maintenance activities.

9.6.2 Records of Changes in Operation

A record shall be kept describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes [Section 39.5(12) (b) (iv) of the Act].

9.6.3 Retention of Records

- a. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. [Section 39.5(7) (e) (ii) of the Act].
- b. Other records required by this permit including any logs, plans, procedures, or instructions required to be kept by this permit shall be retained for a period of at least 5 years from the date of entry unless a longer period is specified by a particular permit provision.

9.7 Annual Emissions Report

The Permittee shall submit an annual emissions report to the Illinois EPA, Air Quality Planning Section no later than May 1 of the following year, as required by 35 IAC Part 254 and Section 4(b) of the Act.

9.8 Requirements for Compliance Certification

Pursuant to Section 39.5(7) (p) (v) of the Act, the Permittee shall submit annual compliance certifications. The compliance certifications shall be submitted no later than May 1 or more frequently as specified in the applicable requirements or by permit condition. The compliance certifications shall be submitted to: (1) the Illinois EPA, Air Compliance Section, and (2) the Illinois EPA, Air Regional Field Office. (The addresses for the submittal of these compliance certifications are provided in Condition 8.6.4.)

- a. The certification shall include the identification of each term or condition of this permit that is the basis

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of the certification; the compliance status; whether compliance was continuous or intermittent; the method(s) used for determining the compliance status of the source, both currently and over the reporting period consistent with the conditions of this permit.

- b. All compliance reports required to be submitted shall include a certification in accordance with Condition 9.9.

9.9 Certification

Any document (including reports) required to be submitted by this permit shall contain a certification by a responsible official of the Permittee that meets the requirements of Section 39.5(5) of the Act [Section 39.5(7) (p) (i) of the Act]. An example Certification by a Responsible Official is included as an attachment to this permit.

9.10 Defense to Enforcement Actions

9.10.1 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit [Section 39.5(7) (o) (ii) of the Act].

9.10.2 Emergency Provision

- a. An emergency shall be an affirmative defense to an action brought for noncompliance with the technology-based emission limitations under this permit if the following conditions are met through properly signed, contemporaneous operating records, or other relevant evidence:

- i. An emergency occurred as provided in Section 39.5(7) (k) of the Act and the Permittee can identify the cause(s) of the emergency;

Note: For this purpose, emergency means a situation arising from sudden and reasonably unforeseeable events beyond the control of the source, as further defined by Section 39.5(7) (k) (iv) of the Act.

- ii. The permitted source was at the time being properly operated;

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- iii. The Permittee submitted notice of the emergency to the Illinois EPA within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken; and
 - iv. During the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations, standards, or regulations in this permit.
- b. This provision is in addition to any emergency or upset provision contained in any applicable requirement. This provision does not relieve a Permittee of any reporting obligations under existing federal or state laws or regulations.

9.11 Permanent Shutdown

This permit only covers emission units and control equipment while physically present at the indicated source location(s). Unless this permit specifically provides for equipment relocation, this permit is void for the operation or activity of any item of equipment on the date it is removed from the permitted location(s) or permanently shut down. This permit expires if all equipment is removed from the permitted location(s), notwithstanding the expiration date specified on this permit.

9.12 Reopening and Reissuing Permit for Cause

9.12.1 Permit Actions

This permit may be modified, revoked, reopened and reissued, or terminated for cause in accordance with applicable provisions of Section 39.5 of the Act. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition [Section 39.5(7)(o)(iii) of the Act].

9.12.2 Reopening and Revision

This permit must be reopened and revised if any of the following occur [Section 39.5(15)(a) of the Act]:

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- a. Additional requirements become applicable to the equipment covered by this permit and three or more years remain before expiration of this permit;
- b. Additional requirements become applicable to an affected source for acid deposition under the acid rain program;
- c. The Illinois EPA or USEPA determines that this permit contains a material mistake or that inaccurate statement were made in establishing the emission standards or limitations, or other terms or conditions of this permit; and
- d. The Illinois EPA or USEPA determines that this permit must be revised or revoked to ensure compliance with the applicable requirements.

9.12.3 Inaccurate Application

The Illinois EPA has issued this permit based upon the information submitted by the Permittee in the permit application. Any misinformation, false statement or misrepresentation in the application shall be grounds for revocation and reissuance under Section 39.5(15) of the Act, pursuant to Sections 39.5(5) (e) and (i) of the Act.

9.12.4 Duty to Provide Information

The Permittee shall furnish to the Illinois EPA, within a reasonable time specified by the Illinois EPA any information that the Illinois EPA may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Upon request, the Permittee shall also furnish to the Illinois EPA copies of records required to be kept by this permit, or for information claimed to be confidential, the Permittee may furnish such records directly to USEPA along with a claim of confidentiality [Section 39.5(7) (o) (v) of the Act].

9.13 Severability Clause

The provisions of this permit are severable. In the event of a challenge to any portion of this permit, other portions of this permit may continue to be in effect. Should any portion of this permit be determined to be illegal or unenforceable, the validity of the other provisions shall not be affected and the rights and obligations of the Permittee shall be construed and enforced as if this permit did not contain the particular provisions held to

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be invalid and the applicable requirements underlying these provisions shall remain in force [Section 39.5(7)(i) of the Act].

9.14 Permit Expiration and Renewal

Upon the expiration of this permit, if the source is operated, it shall be deemed to be operating without a permit unless a timely and complete CAAPP application has been submitted for renewal of this permit. However, if a timely and complete application to renew this CAAPP permit has been submitted, the terms and all conditions of this CAAPP permit will remain in effect until the issuance of a renewal permit [Sections 39.5(5)(l) and (o) of the Act].

Note: Pursuant to Sections 39.5(5)(h) and (n) of the Act, upon submittal of a timely and complete renewal application, the permitted source may continue to operate until final action is taken by the Illinois EPA on the renewal application, provided, however, that this protection shall cease if the applicant fails to submit any additional information necessary to evaluate or take final action on the renewal application as requested by the Illinois EPA in writing. For a renewal application to be timely, it must be submitted no later than 9 months prior to the date of permit expiration.

9.15 General Authority for the Terms and Conditions of this Permit

The authority for terms and conditions of this permit that do not include a citation for their authority is Section 39.5(7)(a) of the Act, which provides that the Illinois EPA shall include such provisions in a CAAPP permit as are necessary to accomplish the purposes of the Act and to assure compliance with all applicable requirements. Section 39.5(7)(a) of the Act is also another basis of authority for terms and conditions of this permit that do include a specific citation for their authority.

Note: This condition is included in this permit pursuant to Section 39.5(7)(n) of the Act.

10.0 ATTACHMENTS

10.1 Attachment 1 Emissions of Particulate Matter from New Process Emission Units

35 IAC 212.321 - Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972

- a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any new process emission unit which, either alone or in combination with the emission of particulate matter from all other similar process emission units for which construction or modification commenced on or after April 14, 1972, at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.
- b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = A(P)^B$$

where:

P = Process weight rate; and

E = Allowable emission rate; and,

- 1) Up to process weight rates of 408 MG/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.214	2.54
B	0.534	0.534

- 2) For process weight rate greater than or equal to 408 Mg/hr (450 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	11.42	24.8
B	0.16	0.16

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- c) Limits for Process Emission Units For Which Construction or Modification Commenced On or After April 14, 1972:

Metric		English	
P	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.25	0.05	0.55
0.1	0.29	0.10	0.77
0.2	0.42	0.20	1.10
0.3	0.64	0.30	1.35
0.4	0.74	0.40	1.58
0.5	0.84	0.50	1.75
0.7	1.00	0.75	2.40
0.9	1.15	1.00	2.60
1.8	1.66	2.00	3.70
2.7	2.1	3.00	4.60
3.6	2.4	4.00	5.35
4.5	2.7	5.00	6.00
9.	3.9	10.00	8.70
13.	4.8	15.00	10.80
18.	5.7	20.00	12.50
23.	6.5	25.00	14.00
27.	7.1	30.00	15.60
32.	7.7	35.00	17.00
36.	8.2	40.00	18.20
41.	8.8	45.00	19.20
45.	9.3	50.00	20.50
90.	13.4	100.00	29.50
140.	17.0	150.00	37.00
180.	19.4	200.00	43.00
230.	22.	250.00	48.50
270.	24.	300.00	53.00
320.	26.	350.00	58.00
360.	28.	400.00	62.00
408.	30.1	450.00	66.00
454.	30.4	500.00	67.00

where:

P = Process weight rate in metric or T/hr, and
E = Allowable emission rate in kg/hr or lbs/hr.

10.2 Attachment 2 Emissions of Particulate Matter from Existing Process Emission Units

35 IAC 212.322 - Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972

- a) Except as further provided in this Part, no person shall cause or allow the emission of particulate matter into the atmosphere in any one hour period from any process emission unit for which construction or modification commenced prior to April 14, 1972, which, either alone or in combination with the emission of particulate matter from all other similar process emission units at a source or premises, exceeds the allowable emission rates specified in subsection (c) of this Section.
- b) Interpolated and extrapolated values of the data in subsection (c) of this Section shall be determined by using the equation:

$$E = C + A(P)^B$$

where:

P = Process weight rate; and

E = Allowable emission rate; and,

- 1) For process weight rates up to 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	1.985	4.10
B	0.67	0.67
C	0	0

- 2) For process weight rates in excess of 27.2 Mg/hr (30 T/hr):

	Metric	English
P	Mg/hr	T/hr
E	kg/hr	lbs/hr
A	25.21	55.0
B	0.11	0.11
C	-18.4	-40.0

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- c) Limits for Process Emission Units For Which Construction or Modification Commenced Prior to April 14, 1972:

P	Metric	English	
	E	P	E
Mg/hr	kg/hr	T/hr	lbs/hr
0.05	0.27	0.05	0.55
0.1	0.42	0.10	0.87
0.2	0.68	0.20	1.40
0.3	0.89	0.30	1.83
0.4	1.07	0.40	2.22
0.5	1.25	0.50	2.58
0.7	1.56	0.75	3.38
0.9	1.85	1.00	4.10
1.8	2.9	2.00	6.52
2.7	3.9	3.00	8.56
3.6	4.7	4.00	10.40
4.5	5.4	5.00	12.00
9.	8.7	10.00	19.20
13.	11.1	15.00	25.20
18.	13.8	20.00	30.50
23.	16.2	25.00	35.40
27.2	18.15	30.00	40.00
32.0	18.8	35.00	41.30
36.0	19.3	40.00	42.50
41.0	19.8	45.00	43.60
45.0	20.2	50.00	44.60
90.0	23.2	100.00	51.20
140.0	25.3	150.00	55.40
180.0	26.5	200.00	58.60
230.0	27.7	250.00	61.00
270.0	28.5	300.00	63.10
320.0	29.4	350.00	64.90
360.0	30.0	400.00	66.20
400.0	30.6	450.00	67.70
454.0	31.3	500.00	69.00

where:

P = Process weight rate in Mg/hr or T/hr, and

E = Allowable emission rate in kg/hr or lbs/hr.

10.3 Attachment 3 - Example Certification by a Responsible Official

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Official Title: _____

Telephone No.: _____

Date Signed: _____

10.4 Attachment 4 - Guidance

The Illinois has prepared guidance for sources on the Clean Air Act Permit Program (CAAPP) that is available on the Internet site maintained by the Illinois EPA, www.epa.state.il.us. This guidance includes instructions on applying for a revision or renewal of the CAAPP permit.

Guidance On Revising A CAAPP Permit:

www.epa.state.il.us/air/caapp/caapp-revising.pdf

Guidance On Renewing A CAAPP Permit:

www.epa.state.il.us/air/caapp/caapp-renewing.pdf

The application forms prepared by the Illinois EPA for the CAAPP are also available from the Illinois EPA's Internet site:

www.epa.state.il.us/air/caapp/index.html

These CAAPP application forms should also be used by a CAAPP source when it applies for a construction permit. For this purpose, the appropriate CAAPP application forms and other supporting information, should be accompanied by a completed Application For A Construction Permit Form (CAAPP Form-199).

Application For A Construction Permit Form (CAAPP Form-199):

www.epa.state.il.us/air/caapp/199-caapp.pdf

10.5 Attachment 5 - Acid Rain Program Permit

217-782-2113

ACID RAIN PROGRAM
PERMIT

Kincaid Generation, L.L.C.
 Attn: James Klenke, Designated Representative
 Kincaid Power Station
 4 Miles West of Kincaid on Route 104
 Kincaid, Illinois 62540

Oris No.: 876
IEPA I.D. No.: 021814AAB
Source/Unit: Kincaid Power Station - Units 1 and 2
Date Received: June 28, 2016
Date Issued: March 27, 2017
Effective Date: January 1, 2017
Expiration Date: February 5, 2020

STATEMENT OF BASIS:

In accordance with Section 39.5(17) if the Illinois Environmental Protection Act and Titles IV and V of the Clean Air Act, the Illinois Environmental Protection Agency is issuing this Acid Rain Program permit, including requested revisions, to Kincaid Generation, L.L.C. for its Kincaid Power Station.

SULFUR DIOXIDE (SO₂) ALLOCATIONS AND NITROGEN OXIDES (NO_x) LIMITS FOR EACH AFFECTED UNIT:

UNIT 1	SO ₂ Allowances, under Tables 2, 3, or 4 of 40 CFR Part 73	Years 2016 and Beyond
		13,592
	NO _x Limit	0.86 Lb/mmBtu (Standard Limit for Cyclone Fired Boilers)
UNIT 2	SO ₂ Allowances, under Tables 2, 3, or 4 of 40 CFR Part 73	Years 2016 and Beyond
		14,977
	NO _x Limit	0.86 Lb/mmBtu (Standard Limit for Cyclone Fired Boilers)

PERMIT APPLICATION: The permit application, including the NO_x compliance plan, is attached and incorporated as part of this permit. The Permittee must comply with the standard requirements and special provisions set forth in the application.

COMMENTS, NOTES, AND JUSTIFICATIONS: This permit contains provisions related to sulfur dioxide (SO₂) emissions and requires the Permittee to hold SO₂

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allowances under the federal Acid Rain Program to account for SO₂ emissions from the affected units. An allowance is a limited authorization to emit up to one ton of SO₂ during or after a specified calendar year. The transfer of allowances to and from a unit account does not necessitate a revision to the unit SO₂ allocations denoted in this permit (See 40 CFR 72.84).

This permit contains provisions related to NO_x emissions requiring affected units to comply with applicable emission limitations for NO_x under the Acid Rain Program. In addition to the described NO_x compliance plan, Kincaid Units 1 and 2 shall comply with all other applicable requirements of 40 CFR Part 76, including, the duty to reapply for a NO_x compliance plan, and requirements covering excess emissions.

This permit does not affect the source's responsibility to meet all other applicable local, state and federal requirements, including state requirements under 35 Ill. Adm. Code Part 217 Subpart V, which addresses NO_x emissions from Kincaid Units 1 and 2.

If you have any questions regarding this permit, please contact the CAAPP Unit at 217 785-1705.

Raymond E. Pilapil
Manager, Permits Section
Division of Air Pollution Control

REP:MTR:DBR:clc



United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258
Approval expires 11/30/2012

Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ New ☒ Revised ☐ for ARP permit renewal

STEP 1

Identify the facility name, State, and plant (ORIS) code.

Facility (Source) Name	Kincaid	State	Illinois	Plant Code	876
------------------------	---------	-------	----------	------------	-----

STEP 2

Enter the unit ID#
for every affected
unit at the affected
source in column "a."

[illegible]

Facility (Source) Name (from STEP 1)

Kincaid

Permit Requirements

STEP 3

Read the standard requirements.

- (1) The designated representative of each affected source and each affected unit at the source shall:
 - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
 - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - (ii) Have an Acid Rain Permit.

Monitoring Requirements

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

Facility (Source) Name (from STEP 1): Kincaid

Sulfur Dioxide Requirements, Cont'd.

STEP 3, Cont'd.

- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
 - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
 - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission

Facility (Source) Name (from STEP 1)

Kincaid

of a new certificate of representation changing the designated representative;

STEP 3, Cont'd.**Recordkeeping and Reporting Requirements, Cont'd.**

- (i) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - (ii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - (v) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with

Facility (Source) Name (from STEP 1)

Kincaid

any other provision of the Act, including the provisions of title I of the Act relating

STEP 3, Cont'd.

Effect on Other Authorities. Cont'd.

to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; *provided*, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Read the
certification
statement,
sign, and date

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name James Klenke	
Signature <i>James Klenke</i>	Date <i>2016 June 28</i>



United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0268
Approval expires 11/30/2012

Acid Rain NO_x Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

Page 1

This submission is: ☐ New ☒ Revised

Page 1 of 2

STEP 1
Indicate plant name, State,
and Plant code from the current
Certificate of Representation
covering the facility.

Kincaid	IL	876
Plant Name	State	Plant Code

STEP 2

Identify each affected Group 1 and Group 2 boiler using the unit IDs from the current Certificate of Representation covering the facility. Also indicate the boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom, and select the compliance option for each unit by making an "X" in the appropriate row and column.

	ID# 1 Type CY	ID# 2 Type CY	ID#	ID#	ID#	ID#
(a) Standard annual average emission limitation of 0.52 lb/mmBtu (for Phase I dry bottom wall-fired boilers)			Type	Type	Type	Type
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)						
(c) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase II dry bottom wall-fired boilers)						
(d) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)						
(e) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)						
(f) Standard annual average emission limitation of 0.06 lb/mmBtu (for cyclone boilers)	X	X				
(g) Standard annual average emission limitation of 0.00 lb/mmBtu (for vertically fired boilers)						
(h) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)						

STEP 2, cont'd

Kincaid
Plant Name (From Step 1)

	ID#	ID#	ID#	ID#	ID#	ID#
	Type	Type	Type	Type	Type	Type
(j) NO _x Averaging Plan (Include NO _x Averaging form)						
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit at firing stack)	X	X				
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO _x Averaging (check the NO _x Averaging Plan box and include NO _x Averaging Form)						
(f) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17(a)(2)(i)(C), (a)(3)(iii)(B), or (b)(2)						

STEP 3: Identify the first calendar year in which this plan will apply.

January 1, 2017

STEP 4: Read the special provisions and certification, enter the name of the designated representative, sign and date.

Special Provisions

General. This source is subject to the standard requirements in 40 CFR 72.9. These requirements are listed in this source's Acid Rain Permit.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	James Klenke
Signature	<i>James Klenke</i>
Date	2016 June 28



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

BRUCE RAUNER, GOVERNOR

LISA BONNETT, DIRECTOR

Section 10.0 - Attachments

217/785-1705

CONSTRUCTION PERMIT

PERMITTEE

Kincaid Generation, L.L.C.
Attn: James Klenke
4 Miles West of Kincaid on Route 104
Kincaid, Illinois 62540

Application No.: 14060006 I.D. No.: 021814AAB
Construction of: Emission Control Program
Date Received: June 5, 2014
Date Issued: December 10, 2015
Location: Kincaid Power Station, West of Kincaid on Route 104

This permit is hereby granted to the above-designated Permittee to CONSTRUCT an emission control program for Kincaid Units 1 and 2, including use of a particulate matter continuous emissions monitoring system, as described in the above-referenced application. This permit is subject to standard conditions attached hereto and the following special condition(s):

1. Introduction.

This permit addresses additional air pollution control requirements, including use of a particulate matter continuous emissions monitoring system (PM CEMS), that apply to Kincaid Units 1 and 2 (the "Affected Units"). These requirements apply to the Permittee, as it is the owner of these units and the Kincaid Power Station. These additional requirements were established in a Consent Decree in Civil Action Number 13-3086 in the United States District Court of the Central District of Illinois (the "Decree"). The Decree was originally entered by the court in an order signed on July 17, 2013. The case was originally captioned *United States of America, Plaintiff, v. Dominion Energy, Inc., Dominion Energy Brayton Point, LLC, and Kincaid Generation, LLC, Defendants*. The caption for this case was subsequently changed to *United States of America v. Dominion Energy, Inc., Brayton Point Energy, LLC, Kincaid Generation, LLC, and EquiPower Resources Corp.* and the Decree was amended pursuant to a Stipulation to Non-Material Modification of Consent Decree, executed December 5, 2013.

Among other matters, the Decree contains unit-specific and plant-specific performance, operational, maintenance, and control technology requirements including, but not limited to, emission rates and plant-wide annual tonnage limitations. For the various generating stations that are addressed by the Decree, Paragraph 169 of the Decree requires that the relevant party either apply to the State permitting authority to include the applicable requirements in a federally enforceable non-Title V permit (e.g., a construction permit) or request a site-specific amendment to the applicable State Implementation Plan to include such

requirements. For the Kincaid Power Station, the Permittee elected to satisfy Paragraph 169 of the Decree by applying for a construction permit that would include the relevant requirements of the Decree.

As addressed by Condition 2, certain paragraphs of the Decree, as identified in Attachment A of this permit, are incorporated into this permit by reference and are enforceable through this permit. A copy of the Decree is attached to this permit for informational purposes as an Appendix.

2. Provisions of the Decree Incorporated into this Permit by Reference

Subject to the following terms and conditions, the Permittee shall comply with the requirements and limitations in the paragraphs of the Decree listed in Attachment A of this permit, which paragraphs are incorporated into this permit by reference:

- a. Each paragraph listed in Attachment A of this permit is incorporated by reference in its entirety, along with any and all paragraphs of the Decree explicitly referenced in such paragraph.
- b. The Permittee's obligations under this permit to comply with the requirements and limitations in the paragraphs of the Decree incorporated into this permit by reference is limited to the requirements and limitations applicable to, and only to the extent applicable to, the Kincaid Power Station.
- c. If the Decree is amended, the terms and conditions of the amended Decree shall govern as of the date that the Decree is amended or on such other date provided in the amendment to the Decree.
- d. Beginning on the date that enforcement of the Decree is terminated, as is provided for by Paragraph 207 of the Decree, the following provisions of the Decree shall cease to apply and shall no longer be incorporated into this permit by reference:
 - i. The provisions for Periodic Reporting, i.e., Paragraphs 122 through 125 of the Decree, and the provisions for Notices, i.e., Paragraphs 178 through 180 of the Decree. In their place, the reporting provisions contained in Conditions 4(b), 4(c) and 5 shall apply.
 - ii. The provisions for Force Majeure, i.e., Paragraphs 147 through 155 of the Decree.

3. Recordkeeping to Address Provisions of the Decree Incorporated into this Permit by Reference

- a. As the paragraphs of the Decree listed in Attachment A of this permit are incorporated into this permit by reference, the Permittee shall keep records as needed to reasonably demonstrate

compliance with each requirement and limitation in these paragraphs, including the following records:

- i. Records for the operation of any pollution control device for an Affected Unit required to Continuously Operate by Paragraphs 60, 76 or 89 of the Decree.
 - ii. Records for the implementation of the operational practices and work practices identified in Paragraph 89 of the Decree for the ESP on each Affected Unit.
 - iii. Records for the data collected by the continuous emissions monitoring systems (CEMS) required by the Decree.
 - iv. Records for the operation, calibration and maintenance of the CEMS required by the Decree.
 - v. Copies of reports submitted to the Illinois EPA pursuant to the Decree, including copies of test reports.
- b. All records required by this permit shall be retained for at least five years from creation, shall be readily accessible to the Permittee and Illinois EPA, and made available for inspection and copying by the Illinois EPA.
4. Reporting to Address Provisions of the Decree Incorporated into this Permit by Reference
- a. As related to the notifications, submissions and other communications required by the paragraphs of the Decree listed in Attachment A of this permit until the enforcement of the Decree is terminated:
 - i. Whenever the Permittee provides a communication to the USEPA that is required pursuant to such paragraph, the Permittee shall also provide a copy of such communication to the Illinois EPA.
 - ii. Whenever the Permittee is the recipient of a communication from USEPA that is required by such paragraph, unless such communication indicates that USEPA has directly provided a copy of the communication to the Illinois EPA, the Permittee shall provide a copy of the communication to the Illinois EPA.
 - b. Beginning on the date that enforcement of the Decree is terminated, the Permittee shall be subject to the following requirements for submittal of reports to the Illinois EPA:
 - i. A test report for each performance test for PM and each stack test for condensable particulate matter conducted, respectively, pursuant to Paragraphs 93 and 95 of the

Decree. These reports shall be submitted within 60 Days of completion of the test. In addition to other information, these reports shall include the emission rates in pounds per million Btu heat input (lbs/mmBtu) measured during the test.

Note: This condition is adapted from Paragraphs 94 and 95 of the Decree.

- ii. A semi-annual compliance report within 60 Days after the end of each half of the calendar year (January through June and July through December). These reports shall include the following information for the six-month reporting period:

- A. For the NO_x emissions of the Affected Units:

- I. The average of the 30-Day Rolling Average Emission Rates during the reporting period (lbs/mmBtu), provided, however, that any 30-Day Rolling Average Emission Rate that is more than 0.080 lbs/mmBtu shall not be included when calculating this average emission rate.
- II. Identification of each 30-Day period in which the Permittee complied with a 30-Day Rolling Average Emission Rate of 0.090 lbs/mmBtu, as provided for by Paragraph 60 of the Decree, with information showing that the requisites for compliance with this rate were satisfied, including calculations for the 30-Day Average NO_x emission rate for the Affected Unit excluding relevant low-load operation.
- III. For the report for the second half of each calendar year, the plant-wide annual emissions of the Affected Units in tons.

- B. For the SO₂ emissions of the Affected Units:

- I. The average of the 30-Day Rolling Average Emission Rate during the reporting period (lbs/mmBtu), provided, however, that any 30-Day Rolling Average Emission Rate that is more than 0.100 lbs/mmBtu shall not be included when calculating this average emission rate.
- II. For the report for the second half of each calendar year, the plant-wide annual emissions of the Affected Units in tons.

- C. For the PM emissions of the Affected Units:
 - I. The average PM Emission Rate monitored during the reporting period (lbs/mmBtu).
 - II. The monitored data in lbs/mmBtu in electronic format on a 3-hour rolling average basis and a 24-hour rolling average basis. For this purpose, data shall be provided in a Microsoft Excel compatible format unless the Illinois EPA agrees to an alternative format.
- D. An identification of each period when any pollution control device at the Kincaid Power Station required by Paragraphs 60, 76 or 89 of the Decree to Continuously Operate did not meet that requirement, with description, the reason(s) why the requirement was not met, and the basis for the Permittee's non-compliance with the requirement.
- E. An identification of each time that an operational practice or work practice required by Paragraph 89 of the Decree for an electrostatic precipitator (ESP) at the Kincaid Power Station was not implemented, with description, the reason(s) why the practice was not implemented, and the basis for the Permittee's compliance or non-compliance with the requirement.

Note: This condition is adapted from Paragraph 122 of the Decree.

- iii. The operation and maintenance of the PM CEMS on the Affected Units required by Paragraph 97, 99, 100 and 102 of the Decree shall be addressed in the semi-annual monitoring reports that the Permittee is required to submit pursuant to the CAAPP permit for the Source.
- c. Notwithstanding Condition 4(b)(ii), beginning on the date that enforcement of the Decree is terminated:
 - i. If requirements for submittal of semi-annual compliance reports related to the provisions of the Decree are contained in the CAAPP permit for the Source, the requirements of Condition 4(b)(ii) shall cease to apply. The Permittee will then be subject to the relevant provisions of that CAAPP permit that address submittal of semi-annual compliance reports for the Affected Units.
 - ii. If requirements for submittal of semi-annual compliance reports related to the provisions of the Decree are not yet contained in the CAAPP permit for the Source:

- A. The Permittee may consolidate the semi-annual compliance reports required by Condition 4(b)(ii) in the semi-annual compliance reports submitted by the Permittee for the Affected Units pursuant to the CAAPP permit for the Source, provided that such reports specifically identify the information that is submitted to address the reporting requirements of Condition 4(b)(ii), with reference to this permit and the relevant provision(s) in Condition 4(b)(ii).
- B. Each report submitted by the Permittee pursuant to Condition 4(b)(ii) shall be signed and certified by the Responsible Official, as defined in Section 39.5(1) of the Environmental Protection Act, for the Source. Unless a report is consolidated with a report required by the CAAPP permit for the Source, the report shall contain the following certification:

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the Illinois EPA.

Note: This condition is adapted from Paragraphs 122, 123 and 125 of the Decree.

5. Reporting of Deviations

Beginning on the date that enforcement of the Decree is terminated:

- a. If the Permittee violates or deviates from any provision of this permit, the Permittee shall notify the Illinois EPA in a quarterly deviation report. In these reports, the Permittee shall describe each violation or deviation during the reporting period, explain the cause or causes of each violation or deviation, describe any corrective measures taken or to be taken by the Permittee to cure the violation or deviation, and describe any measures taken or to be taken to prevent a similar violation or deviation in the future.

- b.
 - i. If the requirements of this permit are addressed in the CAAPP permit for the Source, the Permittee shall submit the deviation reports for the Affected Units required by this condition in accordance with the relevant provisions of the CAAPP permit for the Source that address submittal of such reports.
 - ii. If the requirements of this permit are not yet addressed in the CAAPP permit for the Source:
 - A. The Permittee may consolidate the deviation reports required by this condition in the quarterly deviation reports submitted by the Permittee for the Affected Units pursuant to the CAAPP permit, provided that such reports specifically identify the information that is submitted to address the reporting requirements of this permit, with reference to this permit and the relevant provision.
 - B. Each report submitted by the Permittee pursuant to this condition shall also be signed and certified by the Responsible Official, as provided for by Condition 4(c) (ii) (B).
 - C. If a deviation report is not consolidated with the quarterly deviation report submitted by the Permittee for the Affected Units pursuant to the CAAPP permit, the report shall be submitted within 60 days after the end of the calendar quarter.

Note: This condition is adapted from Paragraphs 122, 123 and 124 of the Decree.

6. Notification for Termination of Enforcement of the Decree

When enforcement of the Decree is terminated, as provided for by Paragraph 207 of the Decree, the Permittee shall notify the Illinois EPA within 30 days. This notification shall identify the date on which the enforcement of the Decree was terminated and be accompanied by a copy of the relevant document by which enforcement of the Decree was terminated.

7. Reporting and Notification Requirements for Installation of the PM CEMS

- a. The Permittee shall submit semi-annual progress reports to the Illinois EPA addressing any steps that have been completed during the reporting period and any steps that are planned for the next reporting period related to installation and initial correlation testing of the PM CEMS on the Affected Units. These reports shall be submitted within 60 days of the end of the calendar half, with the first report submitted by February 29, 2016.

- b. The Permittee shall notify the Illinois EPA when the installation and initial correlation testing of the PM CEMS on the Affected Units has been successfully completed. This notification shall be submitted within 30 days of such date. Following submittal of this notification, progress reports shall no longer be required pursuant to Condition 7(a).

8. General Requirements for Records and for Notifications and Reports

- a. All records required by this permit shall be retained for at least five years and be available for inspection and copying by the Illinois EPA. For this purpose, required records, other than records related to NO_x and SO₂ allowances, shall be kept at or be accessible from the Source or a nearby facility associated with the Source.
- b. All notifications, submissions and other communications required to be submitted to the Illinois EPA by this permit, shall be submitted to the Illinois EPA at the following address unless the Illinois EPA notifies the Permittee that another address should be used:

Illinois Environmental Protection Agency
Division of Air Pollution Control
Compliance Section (MC 40)
P. O. Box 19276
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

If you have any questions on this permit, please contact Christopher Romaine at 217/785-1705.

Raymond E. Pilapil
Acting Manager, Permit Section
Division of Air Pollution Control

REP:CPR:psj

ATTACHMENT A:

Provisions of the Decree Incorporated into This Permit by Reference

As provided by Condition 2(a) of this permit, the following paragraphs of the Decree are incorporated into this permit by reference to the extent that they are applicable to the Kincaid Power Station.

Definitions:

The definitions in Paragraphs 5 through 57 of the Decree to the extent the terms defined by these paragraphs are used in other definitions in these paragraphs or are used in the paragraphs of the Decree listed below.

Requirements Related to NO_x Emissions:

Operation and Performance Requirements and Emission Limitations:
Paragraphs 60, 61, 62 and 63.

Use and Surrender of NO_x Allowances:
Paragraphs 64, 65, 66, 67, 68, 69, 70, 71 and 72.^a

Requirements Related to SO₂ Emissions:

Operation and Performance Requirements and Emission Limitations:
Paragraphs 76, 77, 78 and 79.

Use and Surrender of SO₂ Allowances:
Paragraphs 80, 81, 82, 83, 84, 85, 86, 87 and 88.^a

Requirements for PM Emissions:

Operation Requirements:
Paragraph 89.

Emission Limitation:
Paragraphs 92, 93, 94, 95, 97, 98, 99, 100, 101, 102 and 103.

Requirements for Periodic Reporting:

Paragraphs 122, 123, 124 and 125.^b

Force Majeure Provisions:

Paragraphs 147, 148, 149, 150, 151, 152, 153, 154 and 155.^c

ATTACHMENT A (continued):

Requirements for Notices:

Paragraphs 178, 179 and 180.^b

General Provisions:

Paragraph 189 and 197.

Notes

a. As provided by Paragraphs 68 and 84 of the Decree, these requirements of the Decree related to surrender of NO_x and SO₂ allowances are permanent injunctions and are not subject to the provisions of the Decree for termination of enforcement of the Decree.

b. As provided by Condition 2(d)(i) of this permit, beginning on the date that enforcement of the Decree is terminated, Paragraphs 122 through 125 and Paragraphs 178 through 180 will no longer be incorporated into this permit by reference and will no longer apply. At such time, the Permittee shall submit notifications and reports as provided by Conditions 4(b), 4(c) and 5 of this permit.

c. As provided by Condition 2(d)(ii) of this permit, beginning on the date that enforcement of the Decree is terminated, these provisions of the Decree related to Force Majeure will no longer be incorporated into this permit by reference and will no longer apply.

Appendix: Consent Decree

(Copy of the original Consent Decree in the matter of *United States of America, Plaintiff, v. Dominion Energy, Inc., Dominion Energy Brayton Point, LLC, and Kincaid Generation, LLC Defendants*, Civil Action Number 13-3086 in the United States District Court of the Central District of Illinois, as entered by the court in an order signed on July 17, 2013.)

E-FILED
Tuesday, 02 April, 2013 01:10:36 PM
Clerk, U.S. District Court, ILCD

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,
Plaintiff,

v.

Dominion Energy, Inc.,
Dominion Energy Brayton Point, LLC, and
Kincaid Generation, LLC,

Defendants.

Civil Action No.: _____

CONSENT DECREE

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APPENDIX A -- ENVIRONMENTAL MITIGATION PROJECTS	

WHEREAS, Plaintiff, the United States of America ("the United States"), on behalf of the United States Environmental Protection Agency ("EPA"), is concurrently filing a Complaint and Consent Decree for injunctive relief and civil penalties pursuant to Sections 113(b)(2) and 167 of the Clean Air Act (the "Act"), 42 U.S.C. §§ 7413(b)(2) and 7477, alleging that Defendants, Dominion Energy, Inc., et al. (hereinafter "Dominion"), violated the Prevention of Significant Deterioration ("PSD") provisions of Part C of Subchapter I of the Act, 42 U.S.C. §§ 7470-7492, the Non-Attainment New Source Review ("NA-NSR") provisions found at Part D of Subchapter I of the Act, 42 U.S.C. §§ 7501-7515, the New Source Performance Standards ("NSPS"), 42 U.S.C. § 7411, requirements of Title V of the Act, 42 U.S.C. §§ 7661-7661f, and the federally enforceable Indiana, Illinois, and Massachusetts State Implementation Plans ("SIPs");

WHEREAS, on April 16, 2009, EPA issued a Notice of Violation and Finding of Violation ("NOV/FOV") to Dominion with respect to certain alleged violations of the CAA;

WHEREAS, the United States provided Dominion and the States of Indiana, Illinois and Massachusetts with actual notice pertaining to Dominion's alleged violations, in accordance with Section 113 of the Act, 42 U.S.C. § 7413;

WHEREAS, in the Complaint, the United States alleges claims upon which, if proven, relief can be granted against Dominion under Sections 113 and 167 of the Act, 42 U.S.C. §§ 7413 and 7477;

WHEREAS, in the Complaint, the United States alleges, *inter alia*, that Dominion made major modifications to major emitting facilities, and failed to obtain the necessary permits and install and operate the controls necessary under the Act to reduce sulfur dioxide ("SO₂"),

nitrogen oxides ("NO_x"), and/or particulate matter ("PM") emissions, and that such emissions damage human health and the environment;

WHEREAS, Dominion has not answered the Complaint in light of the settlement memorialized in this Decree;

WHEREAS, Dominion has denied and continues to deny the violations alleged in the NOV and Complaint; maintains that it has been and remains in compliance with the Act and is not liable for civil penalties or injunctive relief; and states that it is agreeing to the obligations imposed by this Decree solely to avoid the costs and uncertainties of litigation and to improve the environment;

WHEREAS, the United States and Dominion (collectively, the "Parties") have agreed that settlement of this action is in the best interests of the Parties and in the public interest, and that entry of this Consent Decree without further litigation is the most appropriate means of resolving this matter;

WHEREAS, the Parties anticipate that the installation and operation of pollution control equipment pursuant to this Consent Decree, and the retirement of certain facilities required by this Consent Decree, will achieve significant reductions of SO₂, NO_x, and PM emissions, as well as other pollutants, and improve air quality;

WHEREAS, the Parties have agreed, and this Court by entering this Consent Decree finds, that this Consent Decree has been negotiated in good faith and at arm's length and that this Consent Decree is fair, reasonable, in the public interest, and consistent with the goals of the Act; and

WHEREAS, the Parties have consented to entry of this Consent Decree without trial of any issues;

NOW, THEREFORE, without any admission of fact or law, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this action, the subject matter herein, and the Parties consenting hereto, pursuant to 28 U.S.C. §§ 1331, 1345, 1355, and 1367, and pursuant to Sections 113 and 167 of the Act, 42 U.S.C. §§ 7413 and 7477. Venue is proper under Section 113(b) of the Act, 42 U.S.C. § 7413(b), and under 28 U.S.C. § 1391(b) and (c). Solely for the purposes of this Consent Decree and the underlying Complaint, and for no other purpose, Dominion waives all objections and defenses that it may have to the Court's jurisdiction over this action, the Court's jurisdiction over Dominion, and to venue in this judicial district. Dominion consents to and shall not challenge entry of this Consent Decree or this Court's jurisdiction to enter and enforce this Consent Decree. Notwithstanding the foregoing, should this Consent Decree not be entered by this Court, then the waivers and consents set forth in this Section I (Jurisdiction and Venue) shall be null and void and of no effect.
2. Except as expressly provided for herein, this Consent Decree shall not create any rights in or obligations of any party other than the Parties to this Consent Decree. Except as provided in Section XXVI (Public Comment) of this Consent Decree, the Parties consent to entry of this Consent Decree without further notice.

II. APPLICABILITY

3. Upon entry, the provisions of this Consent Decree shall apply to and be binding upon the United States, and upon Dominion and any successors, assigns, or other entities or persons otherwise bound by law.
4. Dominion shall provide a copy of this Consent Decree to all vendors, suppliers, consultants, contractors, agents, and any other company or other organization retained to perform any of the work required by this Consent Decree. Notwithstanding any retention of contractors, subcontractors, or agents to perform any work required under this Consent Decree, Dominion shall be responsible for ensuring that all work is performed in accordance with the requirements of this Consent Decree. In any action to enforce this Consent Decree, Dominion shall not assert as a defense the failure of its officers, directors, employees, servants, agents, or contractors to take actions necessary to comply with this Consent Decree, unless such failure is determined to be a Force Majeure Event as defined in Paragraph 147 of this Consent Decree.

III. DEFINITIONS

5. Every term expressly defined by this Section shall have the meaning given that term herein. Every other term used in this Consent Decree that is also a term used under the Act or in a federal regulation implementing the Act shall mean in this Consent Decree what such term means under the Act or those regulations.
6. A "12-Month Rolling Average Emission Rate" shall be expressed in lb/mmBTU and calculated in accordance with the following procedure: first, sum the pounds of the pollutant in question emitted from the applicable Unit during the most recent complete Month and the previous eleven (11) Months; second, sum the heat input to the applicable

Unit in mmBTU during the most recent complete Month and the previous eleven (11) Months; and third, divide the total number of pounds of the pollutant emitted during the twelve (12) Months by the total heat input during the twelve (12) Months. A new 12-Month Rolling Average Emission Rate shall be calculated for each new complete Month in accordance with the provisions of this Consent Decree. Each 12-Month Rolling Average Emission Rate shall include all emissions that occur during all periods of operation, including startup, shutdown, and Malfunction, except as otherwise provided by Section XV (Force Majeure).

7. A "30-Day Rolling Average Emission Rate" for a Unit shall be expressed in lb/mmBTU and calculated in accordance with the following procedure: first, sum the total pounds of pollutant emitted from the Unit during the current Unit Operating Day and the previous twenty-nine (29) Unit Operating Days; second, sum the total heat input to the Unit in mmBTU during the current Unit Operating Day and the previous twenty-nine (29) Unit Operating Days; and third, divide the total number of pounds of pollutant emitted during the thirty (30) Unit Operating Days by the total heat input during the thirty (30) Unit Operating Days. A new 30-Day Rolling Average Emission Rate shall be calculated for each new Operating Day. Each 30-Day Rolling Average Emission Rate shall include all emissions that occur during all periods within any Operating Day, including emissions from startup, shutdown, and Malfunction, except as otherwise provided by Section XV (Force Majeure).
8. "Baghouse" means a full stream (fabric filter) particulate emissions control device.

9. "Brayton Point" means, for purposes of this Consent Decree, Dominion's Brayton Point Power Station consisting of three coal-fired units designated as Unit 1 (244 net MW), Unit 2 (244 net MW), and Unit 3 (612 net MW), located in Somerset, Massachusetts.
10. "CEMS" or "Continuous Emission Monitoring System," means, for obligations involving the monitoring of NO_x and SO₂ emissions under this Consent Decree, the devices defined in 40 C.F.R. § 72.2 and installed and maintained as required by 40 C.F.R. Part 75.
11. "Clean Air Act" or "Act" means the federal Clean Air Act, 42 U.S.C. §§ 7401-7671q, and its implementing regulations.
12. "Consent Decree" means this Consent Decree and the Appendix hereto, which is incorporated into the Consent Decree.
13. "Continuous Operation" and "Continuously Operate" mean that when a pollution control technology or combustion control is required to be used at a Unit pursuant to this Consent Decree (including, but not limited to, SCR, FGD, DSI, ESP, Baghouse, LNB, or OFA), it shall be operated at all times such Unit is in operation while burning any coal (except as otherwise provided by Section XV (Force Majeure)), consistent with the technological limitations, manufacturers' specifications, good engineering and maintenance practices, and good air pollution control practices for minimizing emissions (as defined in 40 C.F.R. § 60.11(d)) for such equipment and the Unit.
14. "Date of Entry" means the date this Consent Decree is approved or signed by the United States District Court Judge.
15. "Date of Lodging" means the date this Consent Decree is filed for lodging with the Clerk of the Court for the United States District Court for the Central District of Illinois.
16. "Day" means calendar day unless otherwise specified in this Consent Decree.

17. "Dominion" or "Defendant" means Dominion Energy, Inc., Dominion Energy Brayton Point, LLC, and Kincaid Generation, LLC.
18. "Dominion System" means the Brayton Point, Kincaid, and State Line facilities as defined herein.
19. "Dry Sorbent Injection" or "DSI" means a process in which a sorbent is pneumatically injected into the ducting downstream of the boiler where the coal is combusted and flue gas is produced, and upstream of the PM Control Device.
20. "Electrostatic Precipitator" or "ESP" means a device for removing particulate matter from combustion gases by imparting an electric charge to the particles and then attracting them to a metal plate or screen of opposite charge before the combustion gases are exhausted to the atmosphere.
21. "Emission Rate" for a given pollutant means the number of pounds of that pollutant emitted per million British thermal units of heat input (lb/mmBTU), calculated in accordance with this Consent Decree.
22. "Environmental Mitigation Projects" or "Projects" means the projects identified in Section IX and Appendix A of this Consent Decree.
23. "EPA" means the United States Environmental Protection Agency.
24. "Flue Gas Desulfurization System" or "FGD" means a pollution control device that removes sulfur compounds from a flue gas stream, including an absorber or absorbers utilizing lime, limestone, or a sodium-based slurry, for the reduction of SO₂ emissions.
25. "Fossil Fuel" means any hydrocarbon fuel, including coal, petroleum coke, petroleum oil, fuel oil, or natural gas.

26. "Kincaid" means Dominion's Kincaid Power Station consisting of two cyclone boilers, designated as Unit 1 (579 net MW) and Unit 2 (579 net MW), located in Kincaid, Illinois. Kincaid Unit 1 and Unit 2 exhaust to a common stack where all emissions are monitored. Accordingly, so long as the two Units exhaust to a common stack, notwithstanding any other provision, any Emission Rates set forth under this Consent Decree as applicable to each of Kincaid Unit 1 and Unit 2 shall be measured and calculated for the two Units together as if they were a single Unit (e.g., where the Consent Decree specifies that Dominion shall operate controls at Kincaid Unit 1 and Unit 2 to achieve and maintain a 30-Day Rolling Average Emissions Rate for SO₂ of 0.100 lb/mmBTU at each Unit, the emissions rate calculation for the Kincaid Units will be based on the total SO₂ emissions and heat input for the two Units together measured at the stack). A violation of any such rate based on common stack measurements shall be presumed to be two violations, unless Dominion proves to EPA's satisfaction that the violation is due solely to the mal-performance of one of the two units.
27. "KW" means Kilowatt or one thousand watts.
28. "lb/mmBTU" means one pound per million British thermal units.
29. "Low NO_x Burner" or "LNB" means commercially available combustion modification technology that minimizes NO_x formation by introducing coal and combusting air into a boiler such that initial combustion occurs in a manner that promotes rapid coal devolatilization in a fuel-rich (i.e. oxygen deficient) environment and introduces additional air to achieve a final fuel-lean (i.e. oxygen rich) environment to complete the combustion processes.

30. "Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not Malfunctions.
31. "Month" means a calendar month.
32. "MW" means a megawatt or one million watts.
33. "National Ambient Air Quality Standards" or "NAAQS" means national ambient air quality standards promulgated pursuant to Section 109 of the Act, 42 U.S.C. § 7409.
34. "Netting" shall mean the process of determining whether a particular physical change or change in the method of operation of a major stationary source results in a net emissions increase, as that term is defined at 40 C.F.R. § 52.21(b)(3)(i) and/or an applicable SIP.
35. "NO_x" means oxides of nitrogen, measured in accordance with the provisions of this Consent Decree.
36. "NO_x Allowance" means an authorization to emit a specified amount of NO_x that is allocated or issued under an emissions trading or marketable permit program of any kind established under the Clean Air Act or applicable State Implementation Plan; provided, however, that with respect to any such program that first applies to emissions occurring after December 31, 2011, a "NO_x Allowance" shall include an allowance created and allocated to a Dominion System Unit under such program only for control periods starting on or after the fourth anniversary of the Date of Entry of this Consent Decree.
37. "Nonattainment NSR" means the new source review program within the meaning of Part D of Subchapter I of the Act, 42 U.S.C. §§ 7501-7515 and 40 C.F.R. Part 51, and

corresponding provisions of the federally enforceable Illinois, Indiana, or Massachusetts SIPs.

- 38. "Operational or Ownership Interest" means part or all of Dominion's legal or equitable operational or ownership interest in any Unit at Brayton Point, Kincaid, or State Line.
- 39. "Operating Day" means any calendar day on which a Unit fires Fossil Fuel.
- 40. "Over Fire Air" or "OFA" mean an in-furnace staged combustion control to reduce NO_x emissions.
- 41. "Parties" means the United States of America on behalf of EPA; and Dominion. "Party" means one of the named "Parties."
- 42. "PM" means total filterable particulate matter, measured in accordance with the provisions of this Consent Decree.
- 43. "PM CEMS" or "PM Continuous Emission Monitoring System" means, for obligations involving the monitoring of PM emissions under this Consent Decree, the continuous emission monitors installed and maintained as described in 40 C.F.R. § 60.49Da(v).
- 44. "PM Control Device" means the following devices which reduce emissions of PM: ESPs at Kincaid and State Line, and Baghouses at Brayton Point.
- 45. "PM Emission Rate" means the number of pounds of PM emitted per million BTU of heat input (lb/mmBTU).
- 46. "Plant-Wide Annual Tonnage Limitation" means the limitation, as specified in this Consent Decree, on the number of tons of pollutant (SO₂ or NO_x) that may be emitted from the respective facility during the relevant calendar year (i.e., January 1 through December 31), and shall include all emissions of the specified pollutant that occur during all periods of operation, including startup, shutdown, and Malfunction.

47. "Prevention of Significant Deterioration" or "PSD" means the new source review program within the meaning of Part C of Subchapter I of the Clean Air Act, 42 U.S.C. §§ 7470-7492 and 40 C.F.R. Part 52, and corresponding provisions of the federally enforceable Illinois, Indiana, or Massachusetts SIPs.
48. "Project Dollars" means Dominion's expenditures and payments incurred or made in carrying out the Environmental Mitigation Projects identified in Section IX and Appendix A of this Consent Decree to the extent that such expenditures or payments both: (a) comply with the requirements set forth in Section IX and Appendix A of this Consent Decree, and (b) constitute Dominion's direct payments for such projects, or Dominion's external costs for contractors, vendors, and equipment.
49. "Retire" means to permanently shut down and physically render the Unit inoperable such that the Unit cannot physically or legally burn coal, and to comply with applicable state and federal requirements for permanently ceasing operation of the Unit as a coal-fired electric generating Unit, including amending any submissions to state air emissions inventories, and submitting applications to amend all applicable permits so as to reflect the permanent shutdown status of such Unit.
50. "SCR" or "Selective Catalytic Reduction" means a pollution control device that destroys NO_x by injecting a reducing agent (e.g., ammonia) into the flue gas that, in the presence of a catalyst (e.g., vanadium, titanium, or zeolite), converts NO_x into molecular nitrogen and water.
51. " SO_2 " means sulfur dioxide, measured in accordance with the provisions of this Consent Decree.

52. "SO₂ Allowance" means an authorization to emit a specified amount of SO₂ that is allocated or issued under an emissions trading or marketable permit program of any kind established under the Clean Air Act or applicable State Implementation Plan; provided, however, that with respect to any such program that first applies to emissions occurring after December 31, 2011, an "SO₂ Allowance" shall include an allowance created and allocated to a Dominion System Unit under such program only for control periods starting on or after the fourth anniversary of the Date of Entry of this Consent Decree.
53. "State Implementation Plan" or "SIP" means regulations and other materials promulgated by a state for purposes of meeting the requirements of the Clean Air Act that have been approved by EPA pursuant to Section 110 of the Act, 42 U.S.C. § 7410.
54. "State Line" means Dominion's State Line Power Station consisting of two coal-fired generating units designated as Unit 3 (197 net MW) and Unit 4 (318 net MW), located in Hammond, Indiana.
55. "Surrender" or "Surrender of Allowances" means, for purposes of SO₂ or NO_x Allowances, permanently surrendering allowances from the accounts administered by EPA and Indiana, Illinois, and Massachusetts for all Units in the Dominion System, so that such allowances can never be used thereafter to meet any compliance requirements under the Clean Air Act, a SIP, or this Consent Decree.
56. "Title V Permit" means the permit required for Defendant's major sources pursuant to Subchapter V of the Act, 42 U.S.C. §§ 7661-7661e.
57. "Unit" means collectively, the coal pulverizer, stationary equipment that feeds coal to the boiler, the boiler that produces steam for the steam turbine, the steam turbine, the generator, the equipment necessary to operate the generator, steam turbine, and boiler,

and all ancillary equipment, including pollution control equipment and systems necessary for production of electricity. An electric steam generating station may comprise one or more Units.

IV. NO_x EMISSION REDUCTIONS AND CONTROLS

A. NO_x Emission Limitations and Control Requirements

1. Selective Catalytic Reduction, Low NO_x Burner and Over Fire Air, Operation and Performance Requirements at Brayton Point Unit 1 and Unit 3

58. Commencing no later than thirty (30) Days after the Date of Entry of the Consent Decree, and continuing thereafter, Dominion shall Continuously Operate the SCR, OFA, and LNB at Unit 1 and Unit 3. Commencing no later than thirty (30) Operating Days thereafter, Dominion shall Continuously Operate such SCR, OFA, and LNB so that each Unit achieves and maintains a 30-Day Rolling Average NO_x Emission Rate of no greater than 0.080 lb/mmBTU. During any 30-Day period used to calculate a 30-Day Rolling Average NO_x Emission Rate for Brayton Point Unit 1 or Unit 3, if the dispatch of either Unit requires operation of such Unit(s) burning only natural gas at a load level that results in flue gas temperature so low that it becomes technically infeasible to Continuously Operate the SCR despite Dominion's best efforts to do so, Dominion shall not be subject to stipulated penalties pursuant to Section XIV (Stipulated Penalties) for violating the Emission Rate required by this Paragraph provided that Dominion's emissions do not exceed a 30-Day Rolling Average NO_x Emission Rate of 0.090 lb/mmBTU and Dominion provides EPA with data and calculations to demonstrate that but for such low load operation burning only natural gas, Dominion would have achieved and maintained

a 30-Day Rolling Average NO_x Emission Rate of no greater than 0.080 lb/mmBTU at such Unit(s).

2. Low NO_x Burner and Over Fire Air Operation and Performance Requirements at Brayton Point Unit 2

59. Commencing no later than thirty (30) Days after the Date of Entry of the Consent Decree, and continuing thereafter, Dominion shall Continuously Operate the LNB and OFA at Unit 2. Commencing no later than thirty (30) Operating Days thereafter, Dominion shall Continuously Operate such LNB and OFA so that the Unit achieves and maintains a 30-Day Rolling Average NO_x Emission Rate of no greater than 0.280 lb/mmBTU.

3. Selective Catalytic Reduction and Over Fire Air Operation and Performance Requirements at Kincaid Unit 1 and Unit 2

60. Commencing on March 1, 2013, and continuing thereafter, Dominion shall Continuously Operate each SCR and OFA at Kincaid Unit 1 and Unit 2. Commencing no later than thirty (30) Operating Days thereafter, Dominion shall Continuously Operate each such SCR and OFA so that each Unit achieves and maintains a 30-Day Rolling Average Emission Rate for NO_x of no greater than 0.080 lb/mmBTU. During any 30-Day period used to calculate a 30-Day Rolling Average NO_x Emission Rate for Kincaid Unit 1 or Unit 2, if the dispatch of either Unit requires operation of such Unit(s) at a load level that results in flue gas temperature so low that it becomes technically infeasible to Continuously Operate the SCR despite Dominion's best efforts to do so (including, but not limited to, maintaining minimum load operation which provides for achieving sufficient inlet temperatures for injection of ammonia to the SCR), Dominion shall not be subject to stipulated penalties pursuant to Section XIV (Stipulated Penalties) for violating

the Emission Rate required by this Paragraph provided that Dominion's emissions do not exceed a 30-Day Rolling Average NO_x Emission Rate of 0.090 lb/mmBTU and Dominion provides EPA with data and calculations to demonstrate that but for such low load operation, Dominion would have achieved and maintained a 30-Day Rolling Average NO_x Emission Rate of no greater than 0.080 lb/mmBTU at such Unit(s).

4. Annual NO_x Tonnage Limitations

61. In calendar year 2014, and in each calendar year thereafter, Kincaid shall not exceed a Plant-Wide Annual Tonnage Limitation of 3,500 tons of NO_x, and Brayton Point shall not exceed a Plant-Wide Annual Tonnage Limitation of 4,600 tons of NO_x.

B. Monitoring of NO_x Emissions

62. In determining a 30-Day Rolling Average NO_x Emission Rate, Dominion shall use CEMS in accordance with the procedures of 40 C.F.R. Part 75 and 40 C.F.R. Part 60, Appendix F, Procedure 1, except that NO_x emissions data for the 30-Day Rolling Average NO_x Emission Rate need not be bias adjusted and the missing data substitution procedures of 40 C.F.R. Part 75 shall not apply.
63. For purposes of calculating the Plant-Wide Annual NO_x Tonnage Limitation, Dominion shall use CEMS in accordance with the procedures at 40 C.F.R. Part 75.

C. Use and Surrender of NO_x Allowances

64. Except as may be necessary to comply with Section XIV (Stipulated Penalties), Dominion shall not use NO_x Allowances to comply with any requirement of this Consent Decree, including by claiming compliance with any emission limitation required by this Consent Decree by using, tendering, or otherwise applying NO_x Allowances to offset any excess emissions (i.e., emissions above the limits set forth in this Consent Decree).

65. Except as provided in this Consent Decree, and except as required under the current Power Purchase Agreement ("PPA") with ComEd for Kincaid, which will expire on February 28, 2013, beginning in calendar year 2013 Dominion shall not sell, bank, trade, or transfer any NO_x Allowances allocated to the Dominion System.
66. Beginning in calendar year 2013, and continuing each calendar year thereafter, Dominion shall Surrender all NO_x Allowances (other than those NO_x Allowances required to be transferred to the previous owner of Kincaid under the PPA referenced in Paragraph 65) allocated to the Dominion System for that calendar year that Dominion does not need in order to meet its own federal and/or state Clean Air Act regulatory requirements for the Dominion System Units. However, NO_x Allowances allocated to the Dominion System may be used by Dominion to meet its own federal and/or state Clean Air Act regulatory requirements for such Units.
67. Nothing in this Consent Decree shall prevent Dominion from purchasing or otherwise obtaining NO_x Allowances from another source for purposes of complying with federal and/or state Clean Air Act regulatory requirements to the extent otherwise allowed by law.
68. The requirements of this Consent Decree pertaining to Dominion's use and Surrender of NO_x Allowances are permanent injunctions not subject to any termination provision of this Consent Decree.

D. Super-Compliant NO_x Allowances

69. Notwithstanding Paragraphs 65 and 66, in each calendar year beginning in 2014, and continuing thereafter, Dominion may sell, bank, use, trade, or transfer NO_x Allowances made available in that calendar year solely as a result of:

- a. the installation and operation of any NO_x pollution control that is not otherwise required by, or necessary to maintain compliance with, any provision of this Consent Decree, and is not otherwise required by law; or
- b. achievement and maintenance of an Emission Rate below an applicable 30-Day Rolling Average NO_x Emission Rate,

provided that Dominion is also in compliance for that calendar year with all emission limitations for NO_x set forth in this Consent Decree. Dominion shall timely report the generation of such super-compliant NO_x Allowances in accordance with Section XII (Periodic Reporting) of this Consent Decree.

E. Method for Surrender of NO_x Allowances

- 70. Dominion shall Surrender, or transfer to a non-profit third-party selected by Dominion for Surrender, all NO_x Allowances required to be Surrendered pursuant to Paragraph 66 by April 30 of the immediately following calendar year.
- 71. If any NO_x Allowances required to be Surrendered under this Consent Decree are transferred directly to a non-profit third-party, Dominion shall include a description of such transfer in the next report submitted to EPA pursuant to Section XII (Periodic Reporting) of this Consent Decree. Such report shall: (a) identify the non-profit third-party recipient(s) of the NO_x Allowances and list the serial numbers of the transferred NO_x Allowances; and (b) include a certification by the third-party recipient(s) stating that the recipient(s) will not sell, trade, or otherwise exchange any of the NO_x Allowances and will not use any of the NO_x Allowances to meet any obligation imposed by any environmental law. No later than the third periodic report due after the transfer of any NO_x Allowances, Dominion shall include a statement that the third-party recipient(s)

Surrendered the NO_x Allowances for permanent Surrender to EPA in accordance with the provisions of Paragraph 72 within one (1) year after Dominion transferred the NO_x Allowances to them. Dominion shall not have complied with the NO_x Allowance Surrender requirements of this Paragraph until all third-party recipient(s) have actually Surrendered the transferred NO_x Allowances to EPA.

72. For all NO_x Allowances required to be Surrendered, Dominion or the third-party recipient(s) (as the case may be) shall first submit a NO_x Allowance transfer request to EPA's Office of Air and Radiation's Clean Air Markets Division directing the transfer of such NO_x Allowances to the EPA Enforcement Surrender Account or to any other EPA account that EPA may direct in writing. Such NO_x Allowance transfer requests may be made in an electronic manner using the EPA's Clean Air Markets Division Business System or similar system provided by EPA. As part of submitting these transfer requests, Dominion or the third-party recipient(s) shall irrevocably authorize the transfer of these NO_x Allowances and identify – by name of account and any applicable serial or other identification numbers or station names – the source and location of the NO_x Allowances being Surrendered.

V. SO₂ EMISSION REDUCTIONS AND CONTROLS

A. SO₂ Emission Limitations and Control Requirements

1. Dry FGD Operation and Performance Requirements at Brayton Point Unit 1 and Unit 2

73. Commencing no later than sixty (60) Days after the Date of Entry of this Consent Decree, and continuing thereafter, Dominion shall Continuously Operate the existing dry FGDs at

both Brayton Point Unit 1 and Unit 2 so that each Unit achieves and maintains a 12-Month Rolling Average Emission Rate for SO₂ of no greater than 0.150 lb/mmBTU.

74. Commencing on December 31, 2014, and continuing thereafter, Dominion shall Continuously Operate the dry FGDs at both Brayton Point Unit 1 and Unit 2 so that each Unit achieves and maintains a 30-Day Rolling Average Emission Rate for SO₂ of no greater than 0.150 lb/mmBTU. Days on which there is a "gas curtailment" shall be excluded from the calculation of the 30-Day Rolling Average Emission Rate required by this Paragraph. For purposes of this Paragraph, "gas curtailment" means: (a) that ISO-New England has requested that Brayton Point not burn gas during a declared "Energy Emergency" under Operating Procedure No. 21 or during a declared "Cold Weather Event" under Section III.H.3.4(c) of Market Rule 1. Appendix H; (b) that the natural gas transmission pipeline operator (e.g., currently, Algonquin Gas Transmission Company) has posted a notice to its Electronic Bulletin Board that restricts deliveries on the "G-System," or issues an Operational Flow Order, which limits the delivery of gas to Brayton Point; or (c) that there is a physical disruption in the delivery of natural gas to Brayton Point. To exclude a period of gas curtailment under this Paragraph, Dominion must provide notice to EPA of such curtailment within 10 Days of such curtailment, and provide EPA with data or information in the next scheduled periodic report required by Section XII of this Consent Decree that demonstrates that but for such curtailment, Dominion would have achieved and maintained the 30-Day Rolling Average Emission Rate otherwise required by this Paragraph. A gas curtailment shall not be deemed to occur on the basis of any increase in the cost of supply or transportation of otherwise available natural gas to Brayton Point.

2. Dry Flue Gas Desulfurization Operation and Performance Requirements at Brayton Point Unit 3

75. Commencing on July 1, 2013, and continuing thereafter, Dominion shall Continuously Operate dry FGD at Brayton Point Unit 3. Commencing no later than thirty (30) Operating Days thereafter, Dominion shall Continuously Operate such dry FGD so as to achieve and maintain (a) a 30-Day Rolling Average Emission Rate for SO₂ of no greater than 0.100 lb/mmBTU, and (b) a 12-Month Rolling Average Emission Rate for SO₂ of no greater than 0.080 lb/mmBTU.

3. Dry Sorbent Injection and Performance Requirements at Kincaid

76. Commencing on January 1, 2014, and continuing thereafter, Dominion shall Continuously Operate DSI at Kincaid Unit 1 and Unit 2. Commencing no later than thirty (30) Operating Days thereafter, Dominion shall Continuously Operate each such DSI so that each Unit achieves and maintains a 30-Day Rolling Average Emission Rate for SO₂ of no greater than 0.100 lb/mmBTU.

4. Annual SO₂ Tonnage Limitations

77. In calendar year 2014 and in each calendar year thereafter, Kincaid shall not exceed a Plant-Wide Annual Tonnage Limitation of 4,400 tons of SO₂, and Brayton Point shall not exceed a Plant-Wide Annual Tonnage Limitation of 4,100 tons of SO₂.

B. Monitoring of SO₂ Emissions

78. In determining a 30-Day Rolling Average SO₂ Emission Rate or a 12-Month Rolling Average SO₂ Emission Rate, Dominion shall use CEMS in accordance with the procedures of 40 C.F.R. Part 75 and 40 C.F.R. Part 60, Appendix F, Procedure I, except that SO₂ emissions data for the 30-Day Rolling Average SO₂ Emission Rate need not be

bias adjusted and the missing data substitution procedures of 40 C.F.R. Part 75 shall not apply.

79. For purposes of calculating the Plant-Wide Annual SO₂ Tonnage Limitation, Dominion shall use CEMS in accordance with the procedures specified in 40 C.F.R. Part 75.

C. Use and Surrender of SO₂ Allowances

80. Except as may be necessary to comply with Section XIV (Stipulated Penalties), Dominion shall not use SO₂ Allowances to comply with any requirement of this Consent Decree, including by claiming compliance with any emission limitation required by this Consent Decree by using, tendering, or otherwise applying SO₂ Allowances to offset any excess emissions.
81. Except as provided in this Consent Decree, and except as required under the current PPA with ComEd for Kincaid, which will expire on February 28, 2013, beginning in calendar year 2013 Dominion shall not sell, bank, trade, or transfer any SO₂ Allowances allocated to the Dominion System. The Parties recognize that this obligation does not apply with respect to specific Allowances that were previously allocated to the prior owner of any Dominion System Unit under the 1990 Clean Air Act Amendments' Acid Rain Program and that are not owned or controlled by Dominion.
82. Beginning in calendar year 2013, and continuing each year through calendar year 2015, Dominion shall Surrender all SO₂ Allowances (other than those SO₂ Allowances required to be transferred to the previous owner of Kincaid under the PPA referenced in Paragraph 81 and other than the SO₂ Allowances that were previously allocated to the prior owner of any Dominion System Unit under the 1990 Clean Air Act Amendments'

Acid Rain Program and that are not owned or controlled by Dominion) provided to Dominion for the Dominion System for that calendar year that Dominion does not need in order to meet its own federal and/or state Clean Air Act regulatory requirements for the Dominion System Units. Beginning in calendar year 2016, and continuing each calendar year thereafter, Dominion shall Surrender all SO₂ Allowances allocated to the Dominion System for that calendar year that Dominion does not need in order to meet its own federal and/or state Clean Air Act regulatory requirements for the Dominion System Units. However, SO₂ Allowances allocated to the Dominion System may be used by Dominion to meet its own federal and/or state Clean Air Act regulatory requirements for such Units.

83. Nothing in this Consent Decree shall prevent Dominion from purchasing or otherwise obtaining SO₂ Allowances from another source for purposes of complying with federal and/or state regulatory requirements to the extent otherwise allowed by law.
84. The requirements of this Consent Decree pertaining to Dominion's use and Surrender of SO₂ Allowances are permanent injunctions not subject to any termination provision of this Consent Decree.

D. Super-Compliant SO₂ Allowances

85. Notwithstanding Paragraphs 81 and 82, in each calendar year beginning in 2014, and continuing thereafter, Dominion may sell, bank, use, trade, or transfer SO₂ Allowances made available in that calendar year solely as a result of:
 - a. the installation and operation of any SO₂ pollution control that is not otherwise required by, or necessary to maintain compliance with, any provision of this Consent Decree, and is not otherwise required by law; or

b. achievement and maintenance of an Emission Rate below an applicable 30-Day Rolling Average SO₂ Emission Rate,

provided that Dominion is also in compliance for that calendar year with all emission limitations for SO₂ set forth in this Consent Decree. Dominion shall timely report the generation of such super-compliant SO₂ Allowances in accordance with Section XII (Periodic Reporting) of this Consent Decree.

E. Method for Surrender of SO₂ Allowances

86. Dominion shall Surrender, or transfer to a non-profit third party selected by Dominion for Surrender, all SO₂ Allowances required to be Surrendered pursuant to Paragraph 82 by April 30 of the immediately following calendar year.
87. If any SO₂ Allowances required to be Surrendered under this Consent Decree are transferred directly to a non-profit third party, Dominion shall include a description of such transfer in the next report submitted to EPA pursuant to Section XII (Periodic Reporting) of this Consent Decree. Such report shall: (a) identify the non-profit third party recipient(s) of the SO₂ Allowances and list the serial numbers of the transferred SO₂ Allowances; and (b) include a certification by the non-profit third party recipient(s) stating that the recipient(s) will not sell, trade, or otherwise exchange any of the allowances and will not use any of the SO₂ Allowances to meet any obligation imposed by any environmental law. No later than the third periodic report due after the transfer of any SO₂ Allowances, Dominion shall include a statement that the non-profit third party recipient(s) Surrendered the SO₂ Allowances for permanent Surrender to EPA in accordance with the provisions of Paragraph 88 within one (1) year after Dominion transferred the SO₂ Allowances to them. Dominion shall not have complied with the SO₂

Allowance Surrender requirements of this Paragraph until all third party recipient(s) have actually Surrendered the transferred SO₂ Allowances to EPA.

88. For all SO₂ Allowances required to be Surrendered, Dominion or the third party recipient(s) (as the case may be) shall first submit an SO₂ Allowance transfer request to EPA's Office of Air and Radiation's Clean Air Markets Division directing the transfer of such SO₂ Allowances to the EPA Enforcement Surrender Account or to any other EPA account that EPA may direct in writing. Such SO₂ Allowance transfer requests may be made in an electronic manner using the EPA's Clean Air Markets Division Business System or similar system provided by EPA. As part of submitting these transfer requests, Dominion or the third party recipient(s) shall irrevocably authorize the transfer of these SO₂ Allowances and identify – by name of account and any applicable serial or other identification numbers or station names – the source and location of the SO₂ Allowances being Surrendered.

VI. PM EMISSION REDUCTIONS AND CONTROLS

A. Optimization of Baghouse and Existing ESPs

89. By no later than thirty (30) Days from the Date of Entry of this Consent Decree, and continuing thereafter, Dominion shall Continuously Operate each PM Control Device on each Unit in the Dominion System. Dominion shall, at a minimum, to the extent practicable: (a) fully energize each section of the ESP for each Unit, where applicable; operate each compartment of the Baghouse for each Unit (except the compartment provided as a spare compartment under the design of the baghouse), where applicable (regardless of whether those actions are needed to comply with opacity limits); and repair any failed ESP section or Baghouse compartment at the next planned Unit outage (or

unplanned outage of sufficient length); (b) operate automatic control systems on each ESP to maximize PM collection efficiency, where applicable; (c) maintain and replace bags on each Baghouse as needed to maximize collection efficiency, where applicable; and (d) inspect for and repair during the next planned Unit outage (or unplanned outage of sufficient length) any openings in ESP or Baghouse casings, ductwork and expansion joints to minimize air leakage.

B. PM Emission Rate and Monitoring Requirements

90. Commencing no later than sixty (60) Days from the Date of Entry of this Consent Decree, and continuing thereafter, Dominion shall Continuously Operate the Baghouses at Brayton Point Unit 1 and Unit 2 so that each Unit achieves and maintains a PM Emission Rate of no greater than 0.015 lb/mmBTU.
91. Commencing on July 1, 2013, and continuing thereafter, Dominion shall Continuously Operate a Baghouse at Brayton Point Unit 3 so as to achieve and maintain a PM Emission Rate of no greater than 0.015 lb/mmBTU.
92. Commencing no later than sixty (60) Days from the Date of Entry of this Consent Decree, and continuing thereafter, Dominion shall Continuously Operate the ESPs at Kincaid Unit 1 and Unit 2 so as to achieve and maintain a PM Emission Rate of no greater than 0.030 lb/mmBTU.
93. Commencing in calendar year 2013, and continuing annually thereafter, Dominion shall conduct a stack test for PM pursuant to Paragraph 94 for Brayton Point Unit 1, Unit 2 and Unit 3, and Kincaid Unit 1 and Unit 2. The annual performance test requirement imposed on Dominion by this Paragraph may be satisfied by stack tests conducted by Dominion as may be required by its permits from the applicable State for any year that

such stack tests are required under the permits. Dominion may perform testing every other year, rather than every year, provided that two of the most recently completed test results from tests conducted in accordance with the methods and procedures specified in this Consent Decree demonstrate that the PM emissions are equal to or less than 0.015 lb/mmBTU for those units with an ESP and 0.010 lb/mmBTU for those units with a Baghouse. Dominion shall perform testing every year, rather than every other year, beginning in the year immediately following any test result demonstrating that the PM emissions are greater than 0.015 lb/mmBTU for those units with an ESP or 0.010 lb/mmBTU for those units with a Baghouse .

94. To determine compliance with the PM Emission Rate established in Paragraphs 90-92, Dominion shall use the applicable reference methods and procedures (filterable portion only) specified in its Clean Air Act permits and applicable SIP. Each test shall consist of three separate runs performed under representative operating conditions not including periods of startup, shutdown, or Malfunction. The sampling time for each run shall be at least 120 minutes and the volume of each run shall be at least 1.70 dry standard cubic meters (60 dry standard cubic feet). Dominion shall calculate the PM Emission Rate from the stack test results in accordance with 40 C.F.R. § 60.8(f). The results of each PM stack test shall be submitted to EPA within sixty (60) Days of completion of each test.
95. Commencing in calendar year 2013, and continuing thereafter in each year that testing is required pursuant to Paragraph 93, Dominion shall conduct a PM stack test for condensable PM at Brayton Point Unit 1, Unit 2 and Unit 3, and Kincaid Unit 1 and Unit 2, using the reference methods and procedures set forth at 40 C.F.R. Part 51, Appendix M, Method 202 and as set forth in Paragraph 94. Each test shall consist of three separate

runs performed under representative operating conditions not including periods of startup, shutdown, or Malfunction. The sampling time for each run shall be at least 120 minutes and the volume of each run shall be 1.70 dry standard cubic meters (60 dry standard cubic feet). Dominion shall calculate the number of pounds of condensable PM emitted in lb/mmBTU of heat input from the stack test results in accordance with 40 C.F.R. § 60.8(f). The results of the PM stack test conducted pursuant to this Paragraph shall not be used for the purpose of determining compliance with the PM Emission Rates required by this Consent Decree. The results of each PM stack test shall be submitted to EPA and the applicable state agency within sixty (60) Days of completion of each test.

96. When Dominion submits the application for amendment to its Title V Permit pursuant to Paragraph 168, that application shall include a Compliance Assurance Monitoring ("CAM") plan, under 40 C.F.R. Part 64, for the PM Emission Rate in Paragraphs 90-92. The PM CEMS required under Paragraphs 97-101 may be used in that CAM plan.

C. PM CEMS

97. Dominion shall install, correlate, maintain, and operate PM CEMS on Brayton Point Unit 1, Unit 2, and Unit 3, and Kincaid Unit 1 and Unit 2, as specified below. The PM CEMS shall comprise a continuous particle mass monitor measuring particulate matter concentration, directly or indirectly, on an hourly average basis and a diluent monitor used to convert the concentration to units expressed in lb/mmBTU. The PM CEMS installed at each Unit must be appropriate for the anticipated stack conditions and capable of measuring PM concentrations on an hourly average basis. Installation and operation of a single PM CEMS at the common stack of Kincaid Units 1 and 2 shall serve the requirement for both units. Dominion shall maintain, in an electronic database, the

hourly average emission values of all PM CEMS in lb/mmBTU. Except for periods of monitor malfunction, maintenance, or repair, Dominion shall continuously operate the PM CEMS at all times when the Unit it serves is operating.

98. By no later than nine (9) Months from the Date of Entry of this Consent Decree, Dominion shall submit to EPA for review and approval pursuant to Section XIII (Review and Approval of Submittals) of this Consent Decree a plan for the installation and correlation of the PM CEMS for Brayton Point Unit 1, Unit 2 and Unit 3, and the common stack of Kincaid Unit 1 and Unit 2.
99. By no later than twelve (12) Months from the Date of Entry of this Consent Decree, Dominion shall submit to EPA for review and approval pursuant to Section XIII (Review and Approval of Submittals) of this Consent Decree a proposed Quality Assurance/Quality Control ("QA/QC") protocol that shall be followed for such PM CEMS. The proposed QA/QC protocol may include a process for streamlined revisions to stay current with regulatory changes (e.g., PS 11) and PM monitor vendor recommendations.
100. In developing both the plan for installation and correlation of the PM CEMS and the QA/QC protocol, Dominion shall use the criteria set forth in 40 C.F.R. Part 60, Appendix B, Performance Specification 11, and Appendix F, Procedure 2. Following EPA's approval (in consultation with the appropriate state agency) of the plan described in Paragraph 98 and the QA/QC protocol described in Paragraph 99, Dominion shall thereafter operate the PM CEMS in accordance with the approved plan and QA/QC protocol.

101. By no later than eighteen (18) Months after the date that EPA approves the plan for the installation of the PM CEMS for Kincaid Units 1 and 2, and by no later than twenty four (24) months after the date that EPA approves the plan for the installation of the PM CEMS for Brayton Point Units 1, 2, and 3, Dominion shall install, correlate, maintain, and operate PM CEMS at each Unit or stack, conduct performance specification tests on the PM CEMS, and demonstrate compliance with the plan and protocol submitted to and approved by EPA in accordance with Paragraphs 98 and 99. Dominion shall report, pursuant to Section XII (Periodic Reporting), the data recorded by the PM CEMS, expressed in lb/mmBTU on a rolling average 3-hour basis and a rolling average 24-hour basis in electronic format (Microsoft Excel compatible) to EPA. Notwithstanding any other provision of this Consent Decree, exceedances of the PM Emission Rate that occur as a result of detuning emission controls as required to achieve the high level PM test runs during the correlation testing shall not be considered a violation of the requirements of this Consent Decree and shall not be subject to stipulated penalties; provided, however, that Dominion shall make best efforts to keep the high level PM test runs during such correlation testing below the applicable PM Emission Rate.

D. General PM Provisions

102. Stack testing shall be used to determine compliance with the PM Emission Rate established by this Consent Decree. Data from PM CEMS shall be used, at a minimum, to monitor progress in reducing PM emissions on a continuous basis.
103. Nothing in this Consent Decree is intended to, or shall, alter or waive any applicable law (including but not limited to any defenses, entitlements, challenges, or clarifications

related to the Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997)) concerning the use of data for any purpose under the Act.

VII. RETIRE STATE LINE

104. No later than June 1, 2012, Dominion shall permanently shut down State Line Unit 3 and Unit 4. No later than the Date of Entry of this Consent Decree, Dominion shall implement all other requirements to Retire State Line Unit 3 and Unit 4.

VIII. PROHIBITION ON NETTING CREDITS OR OFFSETS

105. Emission reductions that result from actions to be taken by Dominion after the Date of Entry of this Consent Decree to comply with the requirements of this Consent Decree shall not be considered as a creditable contemporaneous emission decrease for the purpose of obtaining a Netting credit or offset under the Clean Air Act's Nonattainment NSR and PSD programs. Notwithstanding the preceding sentence, and subject to the limitations provided in the following Paragraph 106, Dominion may treat up to (a) 75 tons of NO_x, 75 tons of SO₂, and 15 tons of PM emission reductions at the Kincaid plant as if they were not otherwise required by this Consent Decree for purposes of netting at the Kincaid plant, and (b) 75 tons of NO_x, 75 tons of SO₂, and 15 tons of PM emission reductions at Brayton Point Unit 3 as if they were not otherwise required by this Consent Decree for purposes of Netting at Brayton Point Unit 3.
106. Use of the Netting credits provided in Paragraph 105 is subject to the following additional restrictions:
- (a) The emission reductions of NO_x, SO₂, and PM Dominion intends to utilize for Netting purposes must be contemporaneous and otherwise creditable within the meaning of the Act and the applicable SIP, and Dominion must comply with, and be subject to, all

requirements and criteria for creating contemporaneous creditable decreases as set forth in 40 C.F.R. § 52.21(b) and the applicable SIP, subject to the limitations of this Section,

(b) Dominion must apply for, and obtain, any required minor NSR permits for any project in which emission reductions under Paragraph 105 are used for Netting.

Dominion shall provide notice and a copy of its permit application to EPA in accordance with Section XIX (Notices), concurrent with its permit application submission to the relevant permitting authority,

(c) The emission reductions of NO_x, SO₂, and PM Dominion intends to utilize for Netting shall not be available under this Section if such use would result in an exceedance of a PSD increment, an adverse impact on a Class I area, or an interference with "reasonable further progress" toward attainment of a NAAQS in accordance with Part D of the CAA, and

(d) Dominion must be and remain in full compliance with the provisions of this Consent Decree establishing performance, operational, maintenance, and control technology requirements at the plant at which netting is used or proposed to be used, including Emission Rates, Plant-Wide Annual Tonnage Limitations, and the requirements pertaining to the Surrender of SO₂ and NO_x Allowances.

107. The limitations on the generation and use of Netting credits and offsets set forth in this Section do not apply to emission reductions achieved by a particular Dominion System Unit that are greater than those required under this Consent Decree for that particular Dominion System Unit. For purposes of this Paragraph, emission reductions from a Dominion System Unit are greater than those required under this Consent Decree if they result from such Unit's compliance with federally-enforceable emission limits that are

more stringent than those limits imposed on the Unit under this Consent Decree and under applicable provisions of the Clean Air Act or the applicable SIP.

108. Nothing in this Consent Decree is intended to preclude the emission reductions generated under this Consent Decree from being considered by the applicable state regulatory agency or EPA for the purpose of attainment demonstrations submitted pursuant to § 110 of the Act, 42 U.S.C. § 7410, or in determining impacts on National Ambient Air Quality Standards, PSD increment, or air quality related values, including visibility, in a Class I area.

IX. ENVIRONMENTAL MITIGATION PROJECTS

109. Dominion shall implement the Environmental Mitigation Projects ("Projects") described in Appendix A to this Consent Decree in compliance with the approved plans and schedules for such Projects and other terms of this Consent Decree. In implementing the Projects, Dominion shall spend no less than \$9.75 million in Project Dollars. Dominion shall not include its own personnel costs in overseeing the implementation of the Projects as Project Dollars.
110. Dominion shall maintain, and present to EPA upon request, all documents to substantiate the Project Dollars expended to implement the Projects described in Appendix A, and shall provide these documents to EPA within thirty (30) Days of a request for the documents.
111. All plans and reports prepared by Dominion pursuant to the requirements of this Section IX of the Consent Decree and required to be submitted to EPA shall be publicly available from Dominion without charge.

112. Dominion shall certify, as part of each plan submitted to EPA for any Project, that Dominion is not otherwise required by law to perform the Project described in the plan, that Dominion is unaware of any other person who is required by law to perform the Project, and that Dominion will not use any Project, or portion thereof, to satisfy any obligations that it may have under other applicable requirements of law, including any applicable renewable or energy efficiency portfolio standards.
113. Dominion shall use good faith efforts to secure as much environmental benefit as possible for the Project Dollars expended, consistent with the applicable requirements and limits of this Consent Decree.
114. If Dominion elects (where such an election is allowed) to undertake a Project by contributing funds to another person or entity that will carry out the Project in lieu of Dominion, but not including Dominion's agents or contractors, that person or instrumentality must, in writing: (a) identify its legal authority for accepting such funding; and (b) identify its legal authority to conduct the Project for which Dominion contributes the funds. Regardless of whether Dominion elects (where such election is allowed) to undertake a Project by itself or to do so by contributing funds to another person or instrumentality that will carry out the Project, Dominion acknowledges that it will receive credit for the expenditure of such funds as Project Dollars only if Dominion demonstrates that the funds have been actually spent by either Dominion or by the person or instrumentality receiving them, and that such expenditures met all requirements of this Consent Decree.
115. Dominion shall comply with the reporting requirements described in Appendix A.

116. In connection with any communication to the public or to shareholders regarding Dominion's actions or expenditures relating in any way to the Environmental Mitigation Projects in this Consent Decree, Dominion shall include prominently in the communication the information that the actions and expenditures were required as part of a consent decree to resolve allegations that Dominion violated the Clean Air Act.
117. Within sixty (60) Days following the completion of each Project required under this Consent Decree (including any applicable periods of demonstration or testing), Dominion shall submit to the United States a report that documents the date that the Project was completed, the results achieved by implementing the Project, including the emission reductions or other environmental benefits, and the Project Dollars expended by Dominion in implementing the Project.

X. CIVIL PENALTY

118. Within thirty (30) Days after the Date of Entry of this Consent Decree, Dominion shall pay to the United States a civil penalty in the amount of \$3.4 million. The civil penalty shall be paid by Electronic Funds Transfer ("EFT") to the United States Department of Justice, in accordance with current EFT procedures, referencing USAO File Number 2013V00150, DOJ Case Number 90-5-2-1-09860, and the civil action case name and case number of this action. The costs of such EFT shall be Dominion's responsibility. Payment shall be made in accordance with instructions provided to Dominion by the Financial Litigation Unit of the U.S. Attorney's Office for the Central District of Illinois. Any funds received after 2:00 p.m. EDT shall be credited on the next business day. At the time of payment, Dominion shall provide notice of payment, referencing the USAO File Number, the DOJ Case Number, and the civil action case name and case number, to

the United States Department of Justice and to EPA in accordance with Section XIX (Notices) of this Consent Decree.

119. Failure to timely pay the civil penalty shall subject Dominion to interest accruing from the date payment is due until the date payment is made at the rate prescribed by 28 U.S.C. § 1961, and shall render Dominion liable for all charges, costs, fees, and penalties established by law for the benefit of a creditor or of the United States in securing payment.
120. Payments made pursuant to this Section, and payments made pursuant to Section XIV (Stipulated Penalties), are penalties within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and are not tax-deductible expenditures for purposes of federal law.

XI. RESOLUTION OF CLAIMS AGAINST DOMINION

A. Resolution of U.S. Civil Claims

121. Claims of the United States Based on Modifications Occurring Before the Date of Lodging of this Consent Decree. Entry of this Consent Decree shall resolve all civil claims of the United States against Dominion that arose from any modifications commenced at any Dominion System Unit prior to the Date of Lodging of this Consent Decree, including but not limited to those modifications alleged in the NOV/FOV issued by EPA to Dominion on April 16, 2009 and the Complaint filed in this civil action, under any or all of: (a) Parts C or D of Subchapter I of the Clean Air Act, 42 U.S.C. §§ 7470-7492, 7501-7515, and the implementing PSD and Nonattainment NSR provisions of the relevant SIPs; (b) Section 111 of the Clean Air Act and 40 C.F.R. Section 60.14; and (c) Title V of the Clean Air Act, 42 U.S.C. § 7661-7661f, but only to the extent that such

Title V claims are based on Dominion's failure to obtain an operating permit that reflects applicable requirements imposed under Parts C or D of Subchapter I of the Clean Air Act. Entry of this Consent Decree shall also resolve the civil claims of the United States for any opacity claims at State Line that occurred prior to the lodging of this Consent Decree, including the opacity violations alleged in EPA's April 16, 2009 NOV/FOV.

XII. PERIODIC REPORTING

122. After entry of this Consent Decree, Dominion shall submit to EPA a periodic report, within sixty (60) Days after the end of each half of the calendar year (January through June and July through December). The report shall include the following information:
 - a. all information necessary to determine compliance with the requirements of the following provisions of this Consent Decree: Section IV concerning NO_x emissions and monitoring (including all information necessary to determine whether it is technically infeasible to Continuously Operate the SCR as provided in Paragraphs 58 and 60), and the surrender of NO_x Allowances; Section V concerning SO₂ emissions and monitoring (including all information concerning gas curtailments as provided in Paragraph 74), and the surrender of SO₂ Allowances; Section VI concerning PM emissions and monitoring;
 - b. 3-hour rolling average and 24-hour rolling average PM CEMS data as required by Paragraph 101 in electronic format (Microsoft Excel compatible), and an identification of all periods of monitor malfunction, maintenance, and/or repair as provided in Paragraph 97;

- c. Any submittals to the applicable permitting authority requesting use of Netting credits or offsets generated by Paragraph 105 of this Consent Decree.
 - d. all information relating to Super-Compliant NO_x and SO₂ Allowances that Dominion claims to have generated in accordance with Sections IV.D and V.D through compliance beyond the requirements of this Consent Decree;
 - e. all information indicating that the installation or upgrade and commencement of operation of a new or upgraded pollution control device may be delayed, including the nature and cause of the delay, and any steps taken by Dominion to mitigate such delay;
 - f. all affirmative defenses asserted pursuant to Paragraphs 138 through 144 during the period covered by the progress report;
 - g. an identification of all periods when any pollution control device required by this Consent Decree to Continuously Operate was not operating, the reason(s) for the equipment not operating, and the basis for Dominion's compliance or non-compliance with the Continuous Operation requirements of this Consent Decree; and
 - h. a summary of actions implemented and expenditures made pursuant to implementation of the Environmental Mitigation Projects required pursuant to Section IX and Appendix A.
123. In any periodic report submitted pursuant to this Section, Dominion may incorporate by reference information previously submitted under its Title V permitting requirements, provided that Dominion attaches the Title V Permit report (or the pertinent portions of

such report) and provides a specific reference to the provisions of the Title V Permit report that are responsive to the information required in the periodic report.

124. In addition to the reports required pursuant to this Section, if Dominion violates or deviates from any provision of this Consent Decree, Dominion shall submit to EPA a report on the violation or deviation within ten (10) business days after Dominion knew or should have known of the event. In the report, Dominion shall explain the cause or causes of the violation or deviation and any measures taken or to be taken by Dominion to cure the reported violation or deviation or to prevent such violation or deviation in the future. If at any time, the provisions of this Consent Decree are included in Title V Permits, consistent with the requirements for such inclusion in this Consent Decree, then the deviation reports required under applicable Title V regulations shall be deemed to satisfy all the requirements of this Paragraph.

125. Each Dominion report shall be signed by Dominion's Responsible Official as defined in Title V of the Clean Air Act, or his or her equivalent or designee of at least the rank of Vice President, and shall contain the following certification:

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

126. If any NO_x or SO₂ Allowances are surrendered to any non-profit third party pursuant to Paragraphs 71 and/or 87, the non-profit third party's certification shall be signed by a managing officer of the non-profit third party and shall contain the following language:

I certify under penalty of law that _____ [name of non-profit third party] will not sell, trade, or otherwise exchange any of the allowances and will not use any of the allowances to meet any obligation imposed by any environmental law. I understand that there are significant penalties for making misrepresentations to or misleading the United States.

XIII. REVIEW AND APPROVAL OF SUBMITTALS

127. Dominion shall submit each plan, report, or other submission required by this Consent Decree to EPA whenever such a document is required to be submitted for review or approval pursuant to this Consent Decree. For any submittal requiring EPA approval under this Consent Decree, EPA may approve the submittal or decline to approve it and provide written comments explaining the bases for declining such approval as soon as reasonably practicable. Within sixty (60) Days of receiving written comments from EPA, Dominion shall either: (a) revise the submittal consistent with the written comments and provide the revised submittal to EPA; or (b) submit the matter for dispute resolution, including the period of informal negotiations, under Section XVI (Dispute Resolution) of this Consent Decree.
128. Upon receipt of EPA's final approval of the submittal, or upon completion of the submittal pursuant to dispute resolution, Dominion shall implement the approved submittal in accordance with the schedule specified therein or another EPA-approved schedule.

XIV. STIPULATED PENALTIES

129. For any failure by Dominion to comply with the terms of this Consent Decree, and subject to the provisions of Sections XV (Force Majeure) and XVI (Dispute Resolution), Dominion shall pay, within thirty (30) Days after receipt of written demand to Dominion by the United States, the following stipulated penalties to the United States:

Consent Decree Violation	Stipulated Penalty
a. Failure to pay the civil penalty as required by Section X (Civil Penalty) of this Consent Decree	\$10,000 per Day
b. Failure to comply with any applicable 30-Day Rolling Average Emission Rate.	<p>\$2,500 per Day per violation where the violation is less than 5% in excess of the lb/mmBTU limits</p> <p>\$5,000 per Day per violation where the violation is equal to or greater than 5% but less than 10% in excess of the lb/mmBTU limits</p> <p>\$10,000 per Day per violation where the violation is equal to or greater than 10% in excess of the lb/mmBTU limits</p>
c. Failure to comply with any applicable 12-Month Rolling Average Emission Rate	<p>\$200 per Operating Day per violation where the violation is less than 5% in excess of the lb/mmBTU limits</p> <p>\$400 per Operating Day per violation where the violation is equal to or greater than 5% but less than 10% in excess of the lb/mmBTU limits</p> <p>\$800 per Operating Day per violation where the violation is equal to or greater than 10% in excess of the lb/mmBTU limits</p>
d. Failure to comply with an applicable Plant-Wide Annual Tonnage Limitation	\$5,000 per ton for first 100 tons, \$10,000 per ton for each additional ton above 100 tons, plus the surrender of NO _x or SO ₂ Allowances in an amount equal to two times the number of tons of NO _x or SO ₂ emitted that exceeded the Plant-Wide Annual Tonnage Limitation

e. Failure to install, commence Continuous Operation, or Continuously Operate a NO _x , SO ₂ , or PM control device as required by this Consent Decree	\$10,000 per Day per violation during the first 30 Days; \$37,500 per Day per violation thereafter
f. Failure to comply with any applicable PM Emission Rate, where the violation is less than 5% in excess of the lb/mmBTU limit	\$2,500 per Operating Day per violation, starting on the Day a stack test result demonstrates a violation and continuing each Operating Day thereafter until and excluding such Day on which a subsequent stack test* demonstrates compliance with the applicable PM Emission Rate
g. Failure to comply with any applicable PM Emission Rate, where the violation is equal to or greater than 5% but less than 10% in excess of the lb/mmBTU limit	\$5,000 per Operating Day per violation, starting on the Day a stack test result demonstrates a violation and continuing each Operating Day thereafter until and excluding such Day on which a subsequent stack test* demonstrates compliance with the applicable PM Emission Rate
h. Failure to comply with any applicable PM Emission Rate, where the violation is equal to or greater than 10% in excess of the lb/mmBTU limit	\$10,000 per Operating Day per violation, starting on the Day a stack test result demonstrates a violation and continuing each Operating Day thereafter until and excluding such Day on which a subsequent stack test* demonstrates compliance with the applicable PM Emission Rate
i. Failure to Retire a Unit as required by this Consent Decree	\$10,000 per Day per violation during the first 30 Days; \$37,500 per Day per violation thereafter
j. Failure to conduct a stack test for PM and as required by Section VI of this Consent Decree	\$1,000 per Day per violation
k. Failure to install or operate CEMS as required by this Consent Decree	\$1,000 per Day per violation

l. Failure to apply for any permit required by Section XVII of this Consent Decree	\$1,000 per Day per violation
m. Failure to timely submit, modify, or implement, as approved, the reports, plans, studies, analyses, protocols, or other submittals required by this Consent Decree	\$750 per Day per violation during the first 10 Days; \$1,000 per Day per violation thereafter
n. Failure to surrender SO ₂ Allowances as required by this Consent Decree	\$37,500 per Day, plus \$1,000 per SO ₂ Allowance not surrendered
o. Failure to surrender NO _x Allowances as required by this Consent Decree	\$37,500 per Day, plus \$1,000 per NO _x Allowance not surrendered
p. Using, selling, banking, trading, or transferring NO _x Allowances or SO ₂ Allowances except as permitted by this Consent Decree	The surrender of Allowances in an amount equal to four (4) times the number of Allowances used, sold, banked, traded, or transferred in violation of this Consent Decree
q. Failure to demonstrate the third-party surrender of a NO _x or SO ₂ Allowance as required by Paragraphs 72 and 88 of this Consent Decree	\$2,500 per Day per violation
r. Failure to optimize the existing ESPs and baghouses as required by Paragraph 89 of this Consent Decree	\$1,000 per Day per violation
s. Failure to undertake and complete any of the Environmental Mitigation Projects in compliance with Section IX and Appendix A of this Consent Decree	\$1,000 per Day per violation during the first 30 Days; \$5,000 per Day per violation thereafter
t. Any other violation of this Consent Decree	\$1,000 per Day per violation

*Dominion shall not be required to make any submission, including any notice or test protocol, or to obtain any approval to or from EPA in advance of conducting such a subsequent stack test, provided that Dominion uses test protocols previously approved by EPA.

130. Violations of any limit based on a 30-Day rolling average constitutes thirty (30) Days of violation but where such a violation (for the same pollutant and from the same Unit) recurs within periods less than thirty (30) Days, Dominion shall not be obligated to pay a daily stipulated penalty for any Day of the recurrence for which a stipulated penalty has already been paid.

131. Violations of any limit based on a 12-Month rolling average shall be assessed a stipulated penalty for each Operating Day in the 365 Days comprising the 12-Month period at issue, excluding any Operating Day for which a stipulated penalty has already been paid for a violation of an applicable 30-Day Rolling Average Emission Rate (for the same pollutant and from the same Unit). Where such a violation of the 12-Month Rolling Average Emission Rate (for the same pollutant and from the same Unit) recurs within periods less than 12 Months, Dominion shall not be obligated to pay a monthly stipulated penalty for any Day of the recurrence for which a stipulated penalty has already been paid.
132. All stipulated penalties shall begin to accrue on the Day after the performance is due or on the Day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases, whichever is applicable. Nothing in this Consent Decree shall prevent the simultaneous accrual of separate stipulated penalties for separate violations of this Consent Decree.
133. Dominion shall pay all stipulated penalties to the United States within thirty (30) Days of receipt of written demand to Dominion from the United States, and shall continue to make such payments every thirty (30) Days thereafter until the violation(s) no longer continues, unless Dominion elects within twenty (20) Days of receipt of written demand to Dominion from the United States to dispute the accrual of stipulated penalties in accordance with the provisions in Section XVI (Dispute Resolution) of this Consent Decree.
134. Stipulated penalties shall continue to accrue as provided in accordance with Paragraph 132 during any dispute, with interest on accrued stipulated penalties payable and

calculated at the rate established by the Secretary of the Treasury, pursuant to 28 U.S.C. § 1961, but need not be paid until the following:

- a. If the dispute is resolved by agreement, or by a decision of the United States pursuant to Section XVI (Dispute Resolution) of this Consent Decree that is not appealed to the Court, accrued stipulated penalties agreed or determined to be owing, together with accrued interest, shall be paid within thirty (30) Days of the effective date of the agreement or of the receipt of the United States' decision;
- b. If the dispute is appealed to the Court and the United States prevails in whole or in part, Dominion shall, within thirty (30) Days of receipt of the Court's decision or order, pay all accrued stipulated penalties determined by the Court to be owing, together with interest accrued on such penalties determined by the Court to be owing, except as provided in Subparagraph (c), below;
- c. If the Court's decision is appealed by either Party, Dominion shall, within fifteen (15) Days of receipt of the final appellate court decision, pay all accrued stipulated penalties determined by the appellate court to be owing, together with interest accrued on such stipulated penalties.

Notwithstanding any other provision of this Consent Decree, the accrued stipulated penalties agreed by the United States and Dominion, or determined by the United States through Dispute Resolution, to be owing may be less than the stipulated penalty amounts set forth in Paragraph 129.

135. All monetary stipulated penalties shall be paid in the manner set forth in Section X (Civil Penalty) of this Consent Decree, and all Allowance Surrender stipulated penalties shall comply with the Allowance Surrender procedures of Paragraphs 70-72 and 86-88.

136. Should Dominion fail to pay stipulated penalties in compliance with the terms of this Consent Decree, the United States shall be entitled to collect interest on such penalties, as provided for in 28 U.S.C. § 1961.
137. The stipulated penalties provided for in this Consent Decree shall be in addition to any other rights, remedies, or sanctions available to the United States by reason of Dominion's failure to comply with any requirement of this Consent Decree or applicable law, except that for any violation of the Act for which this Consent Decree provides for payment of a stipulated penalty, Dominion shall be allowed a credit for stipulated penalties paid against any statutory penalties also imposed for such violation.
138. Affirmative Defense as to Stipulated Penalties for Excess Emissions Occurring During Malfunctions: If any of the Units at Brayton or Kincaid exceed an applicable 30-Day Rolling Average Emission Rate for NO_x or SO₂ set forth in this Consent Decree due to Malfunction, Dominion, bearing the burden of proof, has an affirmative defense to stipulated penalties under this Consent Decree, if Dominion has complied with the reporting requirements of Paragraphs 143 and 144 and has demonstrated all of the following:
- a. the excess emissions were caused by a sudden, unavoidable breakdown of technology, beyond Dominion's control;
 - b. the excess emissions (1) did not stem from any activity or event that could have been foreseen and avoided, or planned for, and (2) could not have been avoided by better operation and maintenance practices;

- c. to the maximum extent practicable, the air pollution control equipment and processes were maintained and operated in a manner consistent with good practice for minimizing emissions;
- d. repairs were made in an expeditious fashion when Dominion knew or should have known that an applicable 30-Day Rolling Average Emission Rate was being or would be exceeded. Off-shift labor and overtime must have been utilized, to the extent practicable, to ensure that such repairs were made as expeditiously as practicable;
- e. the amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;
- f. all possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- g. all emission monitoring systems were kept in operation if at all possible;
- h. Dominion's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence;
- i. the excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance; and
- j. Dominion properly and promptly notified EPA as required by this Consent Decree.

139. To assert an affirmative defense for Malfunction under Paragraph 138, Dominion shall submit all data demonstrating the actual emissions for the Day the Malfunction occurs and the 29-Day period following the Day the Malfunction occurs. Dominion may, if it

elects, submit emissions data for the same 30-Day period but that excludes the excess emissions.

140. Affirmative Defense as to Stipulated Penalties for Excess Emissions Occurring During Startup and Shutdown: If any of the Units at Brayton or Kincaid exceed an applicable 30-Day Rolling Average Emission Rate for NO_x or SO₂ set forth in this Consent Decree due to startup or shutdown, Dominion, bearing the burden of proof, has an affirmative defense to stipulated penalties under this Consent Decree, if Dominion has complied with the reporting requirements of Paragraphs 143 and 144 and has demonstrated all of the following:

- a. the periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design consistent with good engineering, operation, and maintenance practices and manufacturers' specifications and recommendations;
- b. the excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- c. if the excess emissions were caused by a bypass (an intentional diversion of control equipment), then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- d. at all time, the facility was operated in a manner consistent with good practice for minimizing emissions;
- e. the frequency and duration of operation in startup or shutdown mode was minimized to the maximum extent practicable and consistent with good

engineering, operation, and maintenance practices and manufacturers' specifications and recommendations;

- f. all possible steps were taken to minimize the impact of the excess emissions on ambient air quality;
- g. All emissions monitoring systems were kept in operation if at all possible;
- h. Dominion's actions during the period of excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence; and
- i. Dominion properly and promptly notified EPA as required by this Consent Decree.

- 141. To assert an affirmative defense for startup or shutdown under Paragraph 140, Dominion shall submit all data demonstrating the actual emissions for the Day the excess emissions from startup or shutdown occurs and the 29-Day period following the Day the excess emissions from startup or shutdown occurs. Dominion may, if it elects, submit emissions data for the same 30-Day period but that excludes the excess emissions.
- 142. If excess emissions occur due to a Malfunction during routine startup and shutdown, then those instances shall be treated as other Malfunctions subject to Paragraph 138.
- 143. For an affirmative defense under Paragraphs 138 and 140, Dominion, bearing the burden of proof, shall demonstrate, through submission of the data and information under the reporting provisions of this Section, that all reasonable and practicable measures within Dominion's control were implemented to prevent the occurrence of the excess emissions.
- 144. Dominion shall provide notice to EPA in writing of Dominion's intent to assert an affirmative defense for Malfunction, startup, or shutdown under Paragraphs 138 and 140,

in Dominion's semi-annual progress reports as required by Paragraph 122. This notice shall be submitted to EPA pursuant to the provisions of Section XIX (Notices). The notice shall contain:

- a. The identity of each stack or other emission point where the excess emissions occurred;
- b. The magnitude of the excess emissions expressed in lb/mmBTU and the operating data and calculations used in determining the magnitude of the excess emissions;
- c. The time and duration or expected duration of the excess emissions;
- d. The identity of the equipment from which the excess emissions emanated;
- e. The nature and cause of the excess emissions;
- f. The steps taken, if the excess emissions were the result of a Malfunction, to remedy the Malfunction and the steps taken or planned to prevent the recurrence of the Malfunction;
- g. The steps that were or are being taken to limit the excess emissions; and
- h. If applicable, a list of the steps taken to comply with permit conditions governing Unit operation during periods of startup, shutdown, and/or Malfunction.

145. A Malfunction, startup, or shutdown shall not constitute a Force Majeure Event unless the Malfunction, startup, or shutdown meets the definition of a Force Majeure Event, as provided in Section XV (Force Majeure).

146. The affirmative defense provided herein is only an affirmative defense to stipulated penalties for violations of this Consent Decree, and not a defense to any civil or administrative action for injunctive relief.

XV. FORCE MAJEURE

147. For purposes of this Consent Decree, a “Force Majeure Event” shall mean an event that has been or will be caused by circumstances beyond the control of Dominion, its contractors, or any entity controlled by Dominion that delays or prevents compliance with any provision of this Consent Decree or otherwise causes noncompliance with any provision of this Consent Decree despite Dominion’s best efforts to fulfill the obligation. “Best efforts to fulfill the obligation” include using the best efforts to anticipate any potential Force Majeure Event and to address the effects of any such event (a) as it is occurring, and (b) after it has occurred, such that the delay or noncompliance, and any adverse environmental effect of the delay or noncompliance, is minimized to the greatest extent possible.
148. Notice of Force Majeure Events. If any event occurs or has occurred that may delay or prevent compliance with or otherwise cause noncompliance with any obligation under this Consent Decree, as to which Dominion intends to assert a claim of Force Majeure, Dominion shall notify the United States in writing as soon as practicable, but in no event later than fourteen (14) Days following the date Dominion first knew, or by the exercise of due diligence should have known, that the event caused or may cause such delay or noncompliance. In this notice, Dominion shall reference this Paragraph of this Consent Decree and describe the anticipated length of time that the delay or noncompliance may persist, the cause or causes of the delay or noncompliance, all measures taken or to be

taken by Dominion to prevent or minimize the delay or noncompliance and any adverse environmental effect of the delay or noncompliance, the schedule by which Dominion proposes to implement those measures, and Dominion's rationale for attributing a delay or noncompliance to a Force Majeure Event. Dominion shall adopt all reasonable measures to avoid or minimize such delays or noncompliance. Dominion shall be deemed to know of any circumstance which Dominion, its contractors, or any entity controlled by Dominion knew or should have known.

149. Failure to Give Notice. If Dominion fails to comply with the notice requirements of this Section, the United States may void Dominion's claim for Force Majeure as to the specific event for which Dominion has failed to comply with such notice requirement.
150. United States' Response. The United States shall notify Dominion in writing regarding Dominion's claim of Force Majeure as soon as reasonably practicable. If the United States agrees that a Force Majeure Event has delayed or prevented, or will delay or prevent, compliance with any provision of this Consent Decree, or has otherwise caused or will cause noncompliance with any provision of this Consent Decree, the United States and Dominion shall stipulate to an extension of deadline(s) for performance of the affected compliance requirement(s) by a period equal to the delay or period of noncompliance actually caused by the event.
151. Disagreement. If the United States does not accept Dominion's claim of Force Majeure, or if the United States and Dominion cannot agree on the length of the delay or noncompliance actually caused by the Force Majeure Event, the matter shall be resolved in accordance with Section XVI (Dispute Resolution) of this Consent Decree.

152. Burden of Proof. In any dispute regarding Force Majeure, Dominion shall bear the burden of proving that any delay in performance or any other noncompliance with any requirement of this Consent Decree was caused by or will be caused by a Force Majeure Event. Dominion shall also bear the burden of proving that Dominion gave the notice required by this Section and the burden of proving the anticipated duration and extent of any delay(s) or noncompliance attributable to a Force Majeure Event. An extension of one compliance date based on a particular event may, but will not necessarily, result in an extension of a subsequent compliance date.
153. Events Excluded. Unanticipated or increased costs or expenses associated with the performance of Dominion's obligations under this Consent Decree shall not constitute a Force Majeure Event.
154. Potential Force Majeure Events. The Parties agree that, depending upon the circumstances related to an event and Dominion's response to such circumstances, the kinds of events listed below are among those that could qualify as Force Majeure Events within the meaning of this Section: construction, labor, or equipment delays; Malfunction of a Unit or emission control device; unanticipated coal supply or pollution control reagent delivery interruptions; acts of God; acts of war or terrorism; and orders by a government official, government agency, other regulatory authority, or a regional transmission organization, acting under and authorized by applicable law, that direct Dominion to supply electricity in response to a system-wide (state-wide or regional) emergency (which could include unanticipated required operation to avoid loss of load or unserved load or to preserve the reliability of the bulk power system). Depending upon the circumstances and Dominion's response to such circumstances, failure of a permitting

authority to issue a necessary permit in a timely fashion may constitute a Force Majeure Event where the failure of the permitting authority to act is beyond the control of Dominion and Dominion has taken all steps available to it to obtain the necessary permit, including, but not limited to: submitting a complete permit application; responding to requests for additional information by the permitting authority in a timely fashion; and accepting lawful permit terms and conditions after expeditiously exhausting any legal rights to appeal terms and conditions imposed by the permitting authority.

155. As part of the resolution of any matter submitted to this Court under Section XVI (Dispute Resolution) regarding a claim of Force Majeure, the United States and Dominion by agreement, or this Court by order, may in appropriate circumstances extend or modify the schedule for completion of work under this Consent Decree to account for the delay in the work that occurred as a result of any delay agreed to by the United States or approved by the Court. Dominion shall be liable for stipulated penalties pursuant to Section XIV (Stipulated Penalties) for its failure thereafter to complete the work in accordance with the extended or modified schedule (provided that Dominion shall not be precluded from making a further claim of Force Majeure with regard to meeting any such extended or modified schedule).

XVI. DISPUTE RESOLUTION

156. The dispute resolution procedure provided by this Section shall be available to resolve all disputes arising under this Consent Decree, provided that the Party invoking such procedure has first made a good faith attempt to resolve the matter with the other Party.
157. The dispute resolution procedure required herein shall be invoked by one Party giving written notice to the other Party advising of a dispute pursuant to this Section. The notice

shall describe the nature of the dispute and shall state the noticing Party's position with regard to such dispute. The Party receiving such a notice shall acknowledge receipt of the notice, and the Parties in dispute shall expeditiously schedule a meeting to discuss the dispute informally not later than fourteen (14) Days following receipt of such notice.

158. Disputes submitted to dispute resolution under this Section shall, in the first instance, be the subject of informal negotiations between the Parties. Such period of informal negotiations shall not extend beyond thirty (30) Days from the date of the first meeting between the Parties' representatives unless they agree in writing to shorten or extend this period.
159. If the Parties are unable to reach agreement during the informal negotiation period, the United States shall provide Dominion with a written summary of its position regarding the dispute. The written position provided by the United States shall be considered binding unless, within forty-five (45) Days thereafter, Dominion seeks judicial resolution of the dispute by filing a petition with this Court. The United States may submit a response to the petition within forty-five (45) Days of filing.
160. The time periods set out in this Section may be shortened or lengthened upon motion to the Court of one of the Parties to the dispute, explaining the Party's basis for seeking such a scheduling modification.
161. This Court shall not draw any inferences nor establish any presumptions adverse to either Party as a result of invocation of this Section or the Parties' inability to reach agreement.
162. As part of the resolution of any dispute under this Section, in appropriate circumstances the Parties may agree, or this Court may order, an extension or modification of the schedule for the completion of the activities required under this Consent Decree to

account for the delay that occurred as a result of dispute resolution. Dominion shall be liable for stipulated penalties pursuant to Section XIV (Stipulated Penalties) for its failure thereafter to complete the work in accordance with the extended or modified schedule, provided that Dominion shall not be precluded from asserting that a Force Majeure Event has caused or may cause a delay in complying with the extended or modified schedule.

163. The Court shall decide all disputes pursuant to applicable principles of law for resolving such disputes. In their filings with the Court under Paragraph 159, the Parties shall state their respective positions as to the applicable standard of law for resolving the particular dispute.

XVII. PERMITS

164. Unless expressly stated otherwise in this Consent Decree, in any instance where otherwise applicable law or this Consent Decree requires Dominion to secure a permit to authorize construction or operation of any device, including all preconstruction, construction, and operating permits required under applicable state law, Dominion shall make such application in a timely manner. EPA shall use best efforts to review expeditiously, to the extent applicable, all permit applications submitted by Dominion to meet the requirements of this Consent Decree.
165. Notwithstanding Paragraph 164, nothing in this Consent Decree shall be construed to require Dominion to apply for or obtain a PSD or Nonattainment NSR permit for physical changes in, or changes in the method of operation of, any Dominion System Unit that would give rise to claims resolved by Section XI (Resolution of Claims Against Dominion) of this Consent Decree.

166. When permits are required, Dominion shall complete and submit applications for such permits to the applicable state agency to allow sufficient time for all legally required processing and review of the permit request, including requests for additional information by the applicable state agency. Any failure by Dominion to submit a timely permit application for Dominion System Units shall bar any use by Dominion of Section XV (Force Majeure) of this Consent Decree, where a Force Majeure claim is based on permitting delays.
167. Notwithstanding the reference to Title V Permits in this Consent Decree, the enforcement of such permits shall be in accordance with their own terms and the Act and its implementing regulations. The Title V Permits shall not be enforceable under this Consent Decree, although any term or limit established by or under this Consent Decree shall be enforceable under this Consent Decree regardless of whether such term has or will become part of a Title V Permit, subject to the terms of Section XXVII (Conditional Termination of Enforcement Under Decree) of this Consent Decree.
168. Within one hundred eighty (180) Days after the Date of Entry of this Consent Decree, Dominion shall modify any applicable Title V Permit application(s), or apply for modifications of its Title V Permits, to include a schedule for all Unit-specific, plant-specific, and system-specific performance, operational, maintenance, and control technology requirements established by this Consent Decree including, but not limited to, (a) Emission Rates, (b) Plant-Wide Annual Tonnage Limitations, (c) the requirements pertaining to the Surrender of SO₂ and NO_x Allowances, and (d) the requirements pertaining to Retirement of State Line.

169. Within one (1) year from the Date of Entry of this Consent Decree, Dominion shall either apply to permanently include the requirements and limitations enumerated in this Consent Decree into a federally enforceable non-Title V permit, or request a site-specific amendment to the applicable SIP to include the requirements and limitations enumerated in this Consent Decree. The federally enforceable permit or SIP amendment shall require compliance with all Unit-specific, plant-specific, and system-specific performance, operational, maintenance, and control technology requirements established by this Consent Decree including, but not limited to, (a) Emission Rates, (b) Plant-Wide Annual Tonnage Limitations, (c) the requirements pertaining to the Surrender of SO₂ and NO_x Allowances, and (d) the requirements pertaining to Retirement of State Line.
170. As soon as practicable, but in no event later than one hundred eighty (180) Days after the issuance of the permit or SIP amendment required by Paragraph 169, Dominion shall file a complete application to the appropriate permitting authority to incorporate the requirements of the permit or SIP amendment into the Title V operating permit for each plant.
171. Dominion shall provide the United States with a copy of each application for a federally enforceable permit or SIP amendment, as well as a copy of any permit proposed as a result of such application, to allow for timely participation in any public comment opportunity.
172. Prior to conditional termination of enforcement through this Consent Decree, Dominion shall obtain enforceable provisions in its Title V permits that incorporate all Unit-specific, plant-specific, and system-specific performance, operational, maintenance, and control technology requirements established by this Consent Decree including, but not

limited to, (a) Emission Rates, (b) Plant-Wide Annual Tonnage Limitations, and (c) the requirements pertaining to the Surrender of SO₂ and NO_x Allowances.

173. If Dominion proposes to sell or transfer to an entity unrelated to Dominion ("Third Party Purchaser") part or all of its Operational or Ownership Interest covered under this Consent Decree, Dominion shall comply with the requirements of Section XX (Sales or Transfers of Operational or Ownership Interests) of this Consent Decree with regard to that Operational or Ownership Interest prior to any such sale or transfer.

XVIII. INFORMATION COLLECTION AND RETENTION

174. Any authorized representative of the United States, including its attorneys, contractors, and consultants, upon presentation of credentials, shall have a right of entry upon the premises of an Dominion System Unit at any reasonable time for the purpose of:
- a. monitoring the progress of activities required under this Consent Decree;
 - b. verifying any data or information submitted to the United States in accordance with the terms of this Consent Decree;
 - c. obtaining samples and, upon request, splits of any samples taken by Dominion or its representatives, contractors, or consultants; and
 - d. assessing Dominion's compliance with this Consent Decree.
175. Dominion shall retain, and instruct its contractors and agents to preserve, all non-identical copies of all records and documents (including records and documents in electronic form) that are now in its or its contractors' or agents' possession or control, and that directly relate to Dominion's performance of its obligations under this Consent Decree for the following periods: (a) until December 31, 2023 for records concerning physical or operational changes undertaken in accordance with Section IV (NO_x Emission

Reductions and Controls), Section V (SO₂ Emission Reductions and Controls), and Section VI (PM Emission Reductions and Controls); and (b) until December 31, 2019 for all other records. This record retention requirement shall apply regardless of any corporate document retention policy to the contrary.

176. All information and documents submitted by Dominion pursuant to this Consent Decree shall be subject to any requests under applicable law providing public disclosure of documents unless (a) the information and documents are subject to legal privileges or protection, or (b) Dominion claims and substantiates in accordance with 40 C.F.R. Part 2 that the information and documents contain confidential business information.
177. Nothing in this Consent Decree shall limit the authority of EPA to conduct tests and inspections at Dominion's facilities under Section 114 of the Act, 42 U.S.C. § 7414, or any other applicable federal laws, regulations, or permits.

XIX. NOTICES

178. Unless otherwise provided herein, whenever notifications, submissions, or communications are required by this Consent Decree, they shall be made in writing and addressed as follows:

As to the United States of America:

(if by mail service)
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044-7611
DJ# 90-5-2-1-09860

(if by commercial delivery service)
Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

ENRD Mailroom, Room 2121
601 D Street, NW
Washington, DC 20004
DJ# 90-5-2-1-09860

and

(if by mail service)
Director, Air Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Mail Code 2242A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

(if by commercial delivery service)
Director, Air Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
Ariel Rios South Building, Room 1119
1200 Pennsylvania Avenue, NW
Washington, DC 20004

and

(by mail or commercial delivery service)
Director, Air Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd. (AE-17J)
Chicago, IL 60604

and

(by mail or commercial delivery service)
Director, Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
Mail Code OES04-5
5 Post Office Square, Suite 100
Boston, MA 02190-3912

As to DOMINION:

Senior Vice President – Fossil and Hydro
Dominion Energy – Dominion Generation
5000 Dominion Boulevard
Glen Allen, VA 23060

179. All notifications, communications, or submissions made pursuant to this Section shall be sent either by: (a) overnight mail or overnight delivery service with signature required for delivery, or (b) certified or registered mail, return receipt requested. All notifications, communications, and transmissions sent by overnight, certified, or registered mail shall be deemed submitted on the date they are postmarked, or, if sent by overnight delivery service, they shall be deemed submitted on the date they are delivered to the delivery service.
180. Either Party may change either the notice recipient or the address for providing notices to it by serving the other Party with a notice setting forth such new notice recipient or address.

XX. SALES OR TRANSFERS OF OPERATIONAL OR OWNERSHIP INTERESTS

181. If Dominion proposes to sell or transfer an Operational or Ownership Interest in Kincaid or Brayton Point to an entity unrelated to Dominion (a “Third Party Purchaser”), Dominion shall advise the Third Party Purchaser in writing of the existence of this Consent Decree prior to such sale or transfer, and shall send a copy of such written notification to the United States pursuant to Section XIX (Notices) of this Consent Decree at least sixty (60) Days before such proposed sale or transfer.
182. No sale or transfer of an Operational or Ownership Interest, whether in compliance with the procedures of this Section or otherwise, shall relieve Dominion of its obligation to

ensure that the terms of this Consent Decree are implemented, unless (1) the proposed transferee agrees to undertake all of the obligations required by this Consent Decree that may be applicable to the transferred or purchased Operational or Ownership Interests, and to be substituted for Dominion as a Party under the Decree pursuant to Section XXIII (Modification) and thus be bound by the terms thereof, and (2) the United States consents to relieve Dominion of its obligations. The United States may refuse to approve the substitution of the proposed transferee for Dominion if it determines that the proposed transferee does not possess the requisite technical abilities or financial means to comply with the Consent Decree. Dominion shall provide the United States with a copy of any proposed written agreement transferring an Operation or Ownership Interest at least 30 Days prior to such transfer, in accordance with Section XIX (Notices). The United States shall inform Dominion if it does not consent to relieve Dominion of its obligations within thirty (30) Days of receipt of such proposed written agreement.

183. This Consent Decree shall not be construed to impede the transfer of any Operational or Ownership Interests between Dominion and any Third Party Purchaser so long as the requirements of this Consent Decree are met. Any transfer of ownership or operation of Kincaid or Brayton Point without complying with this Section constitutes a violation of this Consent Decree.
184. Dominion may not assign, and may not be released from, any obligation under this Consent Decree that is not specific to the purchased or transferred Operational or Ownership Interests, including the obligations set forth in Sections IX (Environmental Mitigation Projects) and X (Civil Penalty).

185. Paragraphs 182 through 184 of this Consent Decree do not apply if an Operational or Ownership Interest is sold or transferred solely as collateral security in order to consummate a financing arrangement (not including a sale-leaseback), so long as Dominion: (a) remains the operator (as that term is used and interpreted under the Clean Air Act) of the subject Unit(s); (b) remains subject to and liable for all obligations and liabilities of this Consent Decree; and (c) supplies Plaintiff with the following certification within thirty (30) Days of the sale or transfer:

“Certification of Change in Ownership Interest Solely for Purpose of Consummating Financing. We, the Chief Executive Officer and General Counsel of Dominion Energy, Inc. (“Dominion”), hereby jointly certify under Title 18 U.S.C. Section 1001, on our own behalf and on behalf of Dominion, that any change in Dominion’s Ownership Interest in any Unit that is caused by the sale or transfer as collateral security of such Ownership Interest in such Unit(s) pursuant to the financing agreement consummated on [insert applicable date] between Dominion and [insert applicable entity]: a) is made solely for the purpose of providing collateral security in order to consummate a financing arrangement; b) does not impair Dominion’s ability, legally or otherwise, to comply timely with all terms and provisions of the Consent Decree entered in *United States v. Dominion Energy, Inc., et al.*, Civil Action _____; c) does not affect Dominion’s operational control of any Unit covered by that Consent Decree in a manner that is inconsistent with Dominion’s performance of its obligations under the Consent Decree; and d) in no way affects the status of Dominion’s obligations or liabilities under that Consent Decree.”

XXI. EFFECTIVE DATE

186. The effective date of this Consent Decree shall be the Date of Entry.

XXII. RETENTION OF JURISDICTION

187. The Court shall retain jurisdiction of this case after entry of this Consent Decree to enforce compliance with the terms and conditions of this Consent Decree and to take any action necessary or appropriate for the interpretation, construction, execution, or modification of the Consent Decree, or for adjudication of disputes. During the term of

this Consent Decree, any Party to this Consent Decree may apply to the Court for any relief necessary to construe or effectuate this Consent Decree.

XXIII. MODIFICATION

188. The terms of this Consent Decree may be modified only by a subsequent written agreement signed by the Parties. Where the modification constitutes a material change to any term of this Consent Decree, it shall be effective only upon approval by the Court.

XXIV. GENERAL PROVISIONS

189. When this Consent Decree specifies that Dominion shall achieve and maintain a 30-Day Rolling Average Emission Rate, the Parties expressly recognize that compliance with such 30-Day Rolling Average Emission Rate shall commence immediately upon the date specified, and that compliance as of such specified date (e.g., December 30) shall be determined based on data from the 29 prior Unit Operating Days (e.g., December 1-29).
190. When this Consent Decree specifies that Dominion shall achieve and maintain a 12-Month Rolling Average Emission Rate, then the Month Containing that Day if that Day is the first Day of the Month, or if that Day is not the first Day of the Month then the next complete Month, shall be the first Month subject to the specified 12-Month limitation. For example, if the specified 12-Month Rolling Average Emission Rate is to be achieved starting December 31, 2012, then January 2013 is the first Month included in the first applicable 12-Month Rolling Average Emission Rate, such that the first complete 12-Month Rolling Average Emission Rate period would include January 2013 through December 2013.
191. This Consent Decree is not a permit. Compliance with the terms of this Consent Decree does not guarantee compliance with all applicable federal, state, or local laws or

regulations. The emission rates and removal efficiencies set forth herein do not relieve Dominion from any obligation to comply with other state and federal requirements under the Clean Air Act, including Dominion's obligation to satisfy any state modeling requirements set forth in the applicable SIP.

192. This Consent Decree does not apply to any claim(s) of alleged criminal liability.
193. In any subsequent administrative or judicial action initiated by the United States for injunctive relief or civil penalties relating to any of the facilities in the Dominion System as covered by this Consent Decree, Dominion shall not assert any defense or claim based upon principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, or claim splitting, or any other defense based upon the contention that the claims raised by the United States in the subsequent proceeding were brought, or should have been brought, in the instant case; provided, however, that nothing in this Paragraph is intended to affect the validity of Section XI (Resolution of Claims Against Dominion).
194. Nothing in this Consent Decree shall relieve Dominion of its obligation to comply with all applicable federal, state, and local laws and regulations, including, but not limited to, the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) implementing regulations, National Ambient Air Quality Standards, the National Emission Standards for Hazardous Air Pollutants From Coal and Oil-Fired Electric Utility Steam Generating Units (Utility MACT), and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-commercial-Institutional, and Small Industrial Commercial-Institutional Steam Generating Units (Utility NSPS). Nothing in this Consent Decree shall be construed to provide any relief from the emission limits or deadlines for the installation of pollution controls or the implementation of other

pollution control-related measures specified in these regulations, nor shall this Decree be construed as a pre-determination of eligibility for the one year extension that may be provided under 42 U.S.C. § 7412(i)(3)(B).

195. Subject to the provisions in Section XI (Resolution of Claims Against Dominion), nothing contained in this Consent Decree shall be construed to prevent or limit the rights of the United States to obtain penalties or injunctive relief under the Act or other federal, state, or local statutes, regulations, or permits.
196. Each limit and/or other requirement established by or under this Consent Decree is a separate, independent requirement.
197. Performance standards, emissions limits, and other quantitative standards set by or under this Consent Decree must be met to the number of significant digits in which the standard or limit is expressed. For example, an Emission Rate of 0.100 is not met if the actual Emission Rate is 0.101. Dominion shall round the fourth significant digit to the nearest third significant digit, or the third significant digit to the nearest second significant digit, depending upon whether the limit is expressed to three or two significant digits. For example, if an actual Emission Rate is 0.1004, that shall be reported as 0.100, and shall be in compliance with an Emission Rate of 0.100, and if an actual Emission Rate is 0.1005, that shall be reported as 0.101, and shall not be in compliance with an Emission Rate of 0.100. Dominion shall report data to the number of significant digits in which the standard or limit is expressed.
198. This Consent Decree does not limit, enlarge, or affect the rights of any Party to this Consent Decree as against any third parties.

199. This Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in this Consent Decree, and supersedes all prior agreements and understandings among the Parties related to the subject matter herein. No document, representation, inducement, agreement, understanding, or promise constitutes any part of this Consent Decree or the settlement it represents, nor shall they be used in construing the terms of this Consent Decree.
200. Each Party to this action shall bear its own costs and attorneys' fees, except that the United States shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by Dominion.

XXV. SIGNATORIES AND SERVICE

201. Each undersigned representative of Dominion, and the Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice, certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind to this document the Party he or she represents.
202. This Consent Decree may be signed in counterparts, and such counterpart signature pages shall be given full force and effect.
203. Each Party hereby agrees to accept service of process by mail with respect to all matters arising under or relating to this Consent Decree and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable Local Rules of this Court including, but not limited to, service of a summons.

204. Unless otherwise ordered by the Court, the United States agrees that Dominion will not be required to file any answer or other pleading responsive to the Complaint in this matter until and unless the Court expressly declines to enter this Consent Decree, in which case Dominion shall have no less than thirty (30) Days after receiving notice of such express declination to file an answer or other pleading in response to the Complaint.

XXVI. PUBLIC COMMENT

205. The Parties agree and acknowledge that final approval by the United States and entry of this Consent Decree is subject to the procedures of 28 C.F.R. § 50.7, which provides for notice of the lodging of this Consent Decree in the Federal Register, an opportunity for public comment, and the right of the United States to withdraw or withhold consent if the comments disclose facts or considerations which indicate that this Consent Decree is inappropriate, improper, or inadequate. Dominion shall not oppose entry of this Consent Decree by this Court or challenge any provision of this Consent Decree unless the United States has notified Dominion, in writing, that the United States no longer supports entry of this Consent Decree.

XXVII. CONDITIONAL TERMINATION OF ENFORCEMENT UNDER DECREE

206. Termination as to Completed Tasks. As soon as Dominion completes a construction project or any other requirement of this Consent Decree that is not ongoing or recurring, Dominion may, by motion to this Court, seek termination of the provision or provisions of this Consent Decree that imposed the requirement.
207. Conditional Termination of Enforcement Through this Consent Decree. Subject to the provisions of Paragraph 208, after Dominion:

- a. has successfully completed construction, and has maintained operation, of all pollution controls as required by this Consent Decree for a period of two (2) years, and has successfully completed all actions necessary to Retire State Line; and
- b. has obtained all the final permits and/or site-specific SIP amendments (1) as required by Section XVII (Permits) of this Consent Decree, and (2) that include as federally enforceable permit terms, all Unit-specific, plant-specific, and system-specific performance, operational, maintenance, and control technology requirements established by this Consent Decree;

then Dominion may so certify these facts to the United States and this Court. If the United States does not object in writing with specific reasons within sixty (60) Days of receipt of Dominion's certification, then, for any violations of this Consent Decree that occur after the filing of notice, the United States shall pursue enforcement of the requirements through the applicable permits and/or other enforcement authorities and not through this Consent Decree.

208. Resort to Enforcement Under this Consent Decree. Notwithstanding Paragraph 207, if enforcement of a provision in this Consent Decree cannot be pursued by the United States under the applicable permit(s) issued pursuant to the Clean Air Act or its implementing regulations ("CAA Permit"), or if a Consent Decree requirement was intended to be part of a CAA Permit and did not become or remain part of such permit, then such requirement may be enforced under the terms of this Consent Decree at any time.

XXVIII. FINAL JUDGMENT

209. Upon approval and entry of this Consent Decree by the Court, this Consent Decree shall constitute a final judgment between the Parties.

Signature Page for *United States of America v. Dominion Energy, Inc. et al.* Consent Decree
FOR THE UNITED STATES DEPARTMENT OF JUSTICE

Respectfully submitted,

s/ Ignacia S. Moreno
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s/ Jason A. Dunn
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FOR THE UNITED STATES DEPARTMENT OF JUSTICE

Respectfully submitted,

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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Respectfully submitted,

s/ Cynthia Giles

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Assistant Administrator
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s/ Phillip A. Brooks

PHILLIP A. BROOKS
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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Respectfully submitted,

s/ Susan Hedman

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s/ Nicole Wood-Chi

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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Respectfully submitted,

s/ Curt Spalding

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Regional Administrator
United States Environmental
Protection Agency, Region 1

s/ Susan Studlein

SUSAN STUDLIEN
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s/ Steven Viggiani

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FOR DOMINION ENERGY, INC., DOMINION ENERGY BRAYTON POINT, LLC, AND
KINCAID GENERATION, LLC

Respectfully submitted,

By: s/ J. David Rives
J. DAVID RIVES
Senior Vice President – Fossil & Hydro
Dominion Energy, Inc.

**APPENDIX A
ENVIRONMENTAL MITIGATION PROJECTS**

Dominion shall spend \$9,750,000, and shall comply with the requirements of this Appendix and with Section IX of this Consent Decree (Environmental Mitigation Projects) to implement and secure the environmental benefits of the Environmental Mitigation Projects described below.

I. Forest Service/Park Service Mitigation

- A. Within forty-five (45) days from the Date of Entry, Dominion shall pay to the United States Forest Service the sum of \$250,000 to be used in accordance with 16 U.S.C. § 579c, for the improvement, protection, or rehabilitation of lands under the administration of the Forest Service. The Project(s) shall focus on one or more areas alleged by Plaintiffs to have been injured by emissions from Dominion System plants, including but not limited to the Shawnee National Forest and the Midewin National Tallgrass Prairie.
- B. Within forty-five (45) days from the Date of Entry, Dominion shall pay to the National Park Service the sum of \$500,000 to be used in accordance with the Park System Resource Protection Act, 16 U.S.C. § 19jj, for the restoration of land, watersheds, vegetation, and forests using techniques designed to improve ecosystem health and mitigate harmful effects from air pollution. The Project(s) shall focus on one or more areas alleged by Plaintiffs to have been injured by emissions from Dominion System plants, including but not limited to the Cape Cod National Seashore, Indiana Dunes National Lakeshore, and the Boston Harbor Islands National Recreation Area.
- C. Payment of the amounts specified in the preceding paragraphs shall be made to the Forest Service and Park Service pursuant to payment instructions provided to Dominion before or after the Date of Lodging. Notwithstanding Section I.A of this Appendix, payment of funds by Dominion is not due until ten (10) days after receipt of payment instructions, or forty-five (45) days after the Date of Entry, whichever is later.
- D. Upon payment of the amount specified in Section I.A of this Appendix, Dominion shall have no further responsibilities regarding the implementation of any Projects selected by the Forest Service or Park Service in connection with this provision of the Consent Decree.

II. Overall Schedule and Budget for Additional Environmental Mitigation Projects

- A. Within one hundred twenty (120) days of the Date of Entry, unless otherwise specified by this Appendix, Dominion shall submit proposed plans ("Project Plans") to EPA for review and approval pursuant to Section XIII of the Consent Decree (Review and Approval of Submittals) for spending \$9,000,000 in Project Dollars for the Projects listed in Sections III through XI below in accordance with the deadlines established in this Appendix. Dominion shall ensure that \$3,625,000 is spent in Massachusetts, Rhode Island and Connecticut, and \$5,375,000 is spent in Illinois and Indiana. EPA reserves the right to disapprove any project after an analysis of its Project Plan and potential environmental impacts.
- B. Dominion may, at its election, consolidate the Project Plans required by this Appendix into one or more Project Plans.
- C. Unless otherwise specified by this Appendix, Dominion may, at its election, spread its payments for Environmental Mitigation Projects over the five-year period commencing upon the Date of Entry. Dominion may also accelerate its payments to better effectuate a proposed mitigation plan, but Dominion shall not be entitled to any reduction in the nominal amount of the required payments by virtue of the early expenditures. Any funds designated for a specific Project that are left unspent, or are projected to be left unspent, at the Project's completion may be redirected by Dominion, after consultation with and approval by EPA, to one or more of the Projects listed in Sections III-XI below. Unspent funds for New England projects shall be redirected to other New England projects; unspent funds for Midwestern projects, to other Midwestern projects.
- D. All proposed Project Plans shall include the following:
 - 1. A plan for implementing the Project.
 - 2. A summary-level budget for the Project.
 - 3. A time line for implementation of the Project.
 - 4. A description of the anticipated environmental benefits of the Project including an estimate of emission reductions (e.g., SO₂, NO_x, PM, mercury, CO₂) expected to be realized.
- E. Upon approval by EPA of the plan(s) required by this Appendix, Dominion shall complete the approved Projects according to the approved plan(s). Nothing in this Consent Decree shall be interpreted to prohibit Dominion or any third party from completing the Projects ahead of schedule.
- F. Commencing with its first progress report due pursuant to Section XII (Periodic Reporting) of the Consent Decree, and continuing annually thereafter

until completion of the Projects, Dominion will include in the progress report information describing the progress of each Project and the Project Dollars expended on each Project to date.

- G. In accordance with the requirements of Paragraph 117, within sixty (60) days following the completion of each Project, Dominion shall submit to the United States for approval, a report that documents:
1. The date the Project was completed.
 2. The results of implementation of the Project, including the estimated emission reductions or other environmental benefits achieved.
 3. The Project Dollars incurred by Dominion in implementing the Project.
- H. If EPA concludes based on the project completion report or subsequent information provided by Dominion that a Project has been performed and completed in accordance with the Consent Decree, then EPA will approve completion of the Project for purposes of the Consent Decree. Nothing in this Consent Decree or Appendix shall be construed to require Dominion to spend more than the amounts set forth in Paragraph 109 of the Consent Decree and in Sections I and II.A of this Appendix on Environmental Mitigation Projects, provided that the amounts expended by Dominion and any third party are spent in compliance with all requirements of the Consent Decree and this Appendix.
- I. The Parties recognize that implementation of the Projects in this Appendix may require action by third parties, such as non-profit organizations (e.g., Projects in Sections III and IV), other non-government entities (e.g., Project in Section V), and state or local government entities (e.g., Projects in Sections VII and IX to XI). If Dominion is unable to complete an approved Project in accordance with this Appendix and the approved Project Plan due to such third-party's failure to fulfill its obligations under the Plan, and that failure is not caused by Dominion and is beyond the control of Dominion despite Dominion's best efforts to fulfill its obligations regarding the Project as set out in the Consent Decree, this Appendix, and any approved Project Plan, then EPA and Dominion may agree to (1) allow Dominion and the third party(ies) to amend the Project Plan as appropriate to successfully complete the Project, or (2) cancel the Project and redirect any unspent funds for the Project to one or more of the Projects listed in Sections III-XI below. Unspent funds for New England projects shall be redirected to other New England projects; unspent funds for Midwestern projects, to other Midwestern projects.

III. New England Wood Stove Changeout Project

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall propose a plan to sponsor a wood-burning appliance changeout and retrofit project ("Wood Stove Changeout Project" or "WSC Project") that shall be implemented by one or more state, local or tribal air pollution control agencies, or by one or more third-party non-profit organizations or entities, in areas that would benefit from reductions of fine particle pollution and hazardous air pollutants. The air pollutant reductions shall be obtained by replacing, retrofitting or upgrading inefficient, higher polluting wood-burning appliances (e.g., outdoor boilers and stoves) with cleaner burning appliances and technologies, such as: (1) retrofitting older hydronic heaters (aka outdoor wood boilers) to meet EPA Phase II hydronic heater standards; (2) replacing older hydronic heaters with EPA Phase II hydronic heaters, or with EPA-certified wood stoves, other cleaner burning, more energy efficient hearth appliances (e.g., wood pellet, gas or propane appliances), or EPA Energy Star qualified heating appliances; (3) replacing non EPA-certified wood stoves with EPA-certified wood stoves or cleaner burning, more energy-efficient hearth appliances; and (4) replacing spent catalysts in EPA-certified wood stoves. To qualify for replacement, retrofitting or upgrading, the older wood-burning appliance must currently be used as a source of residential heat.
- B. Dominion shall spend a maximum of \$2,025,000 in Project Dollars to implement the WSC Project, and shall complete it not later than four years after the Date of Entry, except that Dominion may request an extension of time to complete the project if it appears likely that all Project Dollars will not be spent within such four year period despite Dominion's best efforts to implement the WSC Project.
- C. Dominion shall sponsor the implementation of the WSC Project in Bristol, Plymouth and Norfolk Counties in Massachusetts, in Bristol, Newport, Providence, Kent and Washington Counties in Rhode Island, and in New London and Windham Counties in Connecticut. If two years after the Date of Entry it appears that the full amount of Project Dollars allocated for the Project will not be spent within four years after the Date of Entry, Dominion may, in consultation with its implementation partner(s) and with EPA, and in accordance with the other requirements of this Appendix, expand the implementation area to other counties in Eastern Massachusetts. In determining the specific areas to implement this project within the aforementioned geographic areas, Dominion shall give priority to: (1) areas with high amounts of air pollution, especially particle pollution and hazardous air pollutants; (2) areas located within a geography and topography that make them susceptible to high levels of particle pollution; (3) areas that have a significant number of older hydronic heaters and non EPA-certified wood stoves; and (4) areas with dense residential populations.

- D. Dominion and the air pollution control agency(ies) or non-profit organization(s) that will implement the WSC Project shall consult with EPA's Residential Wood Smoke Reduction Team and shall implement the WSC Project consistent with the materials available on EPA's Burn Wise website at <http://www.epa.gov/burnwise>.
- E. Dominion shall limit the use of Project Dollars for administrative costs associated with implementation of the WSC Project to no greater than 10% of the Project Dollars that Dominion provides to a specific air pollution control agency or non-profit organization. If, after two years after the Date of Entry, significant additional administrative costs (e.g., additional advertising or outreach costs), not contemplated at the WSC Project's inception, will be required to fully implement the Project within the time frames set forth in this Section, the air pollution control agency or non-profit organization(s) administering the Project may request that Dominion allow the use of additional Project Dollars for such costs, and Dominion may, after consultation with EPA, allow for no more than an additional 2% of Project Dollars to be applied to them.
- F. The WSC Project shall provide incentives for the older wood-burning appliance replacements, retrofits and upgrades described above in this Section through rebates, vouchers and/or discounts. The WSC Project shall provide for the issuance of rebates, vouchers and/or discounts to residential homeowners in amounts ranging from \$2,000 to \$5,000 for replacing or retrofitting older hydronic heaters, \$1,000 to \$2,000 for each replacement wood stove or hearth appliance, and \$100 to \$300 for replacement catalyst. The WSC Project may also provide rebates or vouchers for the full cost of replacing older hydronic heaters and non EPA-certified wood stoves for income-qualified residential homeowners, if such full cost rebates or vouchers are included and approved in the Plan in accordance with the requirements of Section H.5 below.
- G. The WSC Project shall provide educational information and outreach regarding the energy efficiency, health and safety benefits of cleaner-burning alternatives to older hydronic heaters and non EPA-certified wood stoves, and the proper operation of wood-burning heaters, stoves and hearth appliances. Particular emphasis shall be given to the importance of burning dry seasoned wood and the use of moisture meters to test firewood moisture levels.
- H. The WSC Project Plan proposed by Dominion shall:
 - 1. Identify the air pollution control agency(ies) or non-profit organization(s) that have agreed to implement the WSC Project.
 - 2. Describe the schedule and the budgetary increments in which Dominion shall provide the necessary funding to the air pollution control agency(ies) or non-profit organization(s) to implement the WSC Project.

3. Describe all of the elements of the WSC Project that the air pollution control agency(ies) and/or non-profit(s) will implement.
4. Include measures to ensure that the air pollution control agency(ies), or non-profit organization(s), that are acting on Dominion's behalf shall implement the WSC Project in accordance with the requirements of this Appendix, and that the Project Dollars will be used to support the actual replacement, retrofitting, and/or upgrading of wood-burning stoves and boilers currently used as a source of residential heat.
5. If the plan proposes to provide rebates or vouchers for the full cost of replacing older hydronic heaters or non EPA-certified wood stoves for income-qualified residential homeowners, describe and estimate the number of energy efficient appliances it intends to make available, the cost per unit, and the criteria the air pollution control agency(ies) or nonprofit organization(s) will use to determine which residential homeowners should be eligible for such full cost replacement. If applicable, identify any organizations or entities with which the air pollution control agency(ies) or non-profit organization(s) will partner to implement the WSC Project, including wood-burning appliance trade associations, national or local health organizations, facilities that will dispose of the older wood-burning appliances so that they cannot be resold or reused, individual wood stove retailers, propane dealers, housing assistance agencies, local fire departments, and local green energy organizations.
6. Describe how the air pollution control agency(ies) or non-profit organization(s) will ensure that the older, inefficient, higher polluting wood-burning appliances that are replaced under the WSC Project will be properly recycled or disposed.
7. Describe how the air pollution control agency(ies) or non-profit organization(s) will conduct outreach in the Massachusetts, Rhode Island, and Connecticut counties within the geographic area of the WSC Project.

IV. Illinois and Indiana Wood Stove Changeout Project

- A. The Illinois and Indiana WSC Project shall be planned and implemented in accordance with the requirements for the WSC Project set out in Section III above, except where local circumstances make such requirements inapplicable.
- B. Dominion shall spend \$525,000 in Project Dollars to implement the Illinois and Indiana WSC Project, and shall sponsor the implementation of the Project in Christian County in Illinois, Lake County in Indiana, and any adjacent counties thereto in Illinois and Indiana.

V. Switcher Locomotive Idle Reduction Project

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall spend \$400,000 in Project Dollars to outfit switcher locomotives with equipment necessary to enable use of a layover heating system and for installation of the layover system infrastructure at some or all of Norfolk Southern Railway Company's ("NSRC") Calumet (Stony Island Ave. and East 103rd St.), Park Manor (East 63rd St.), 47th Street (between W 47th St and W. Garfield Blvd.), Landers (West Columbus Ave. and West 79th St.), and Ashland (South Ashland Ave and Pershing Rd.) Yards, all of which are located in Chicago, Illinois; and Colehour (parallel to South Indianapolis Ave.) Yard, located in both Chicago and Whiting, Indiana ("Rail Yards"). These Rail Yards are a significant transportation and railroad hub located in a potential environmental justice area on the south side of Chicago. Chicago is currently located in an area designated as non-attainment with the National Ambient Air Quality Standards ("NAAQS") for ozone (smog), fine particulate matter, and lead.
- B. Project Scope: The switching locomotive project at NSRC's Rail Yards will include the installation of the infrastructure necessary to support locomotive layover heating systems, and the installation of layover heating systems on an estimated twelve existing locomotives. Due to the nature of rail yard operations, a switching locomotive spends a considerable amount of time idling, sometimes totaling up to eight to twelve hours within a day, depending on operational needs and weather conditions. Traditional switching locomotives do not use antifreeze, and cannot be shut down during colder weather due to the likelihood of freezing water irreparably damaging the engine block. Therefore, even where it is contemplated that a locomotive may not be used for a period of time, it is necessary in certain cold weather conditions to keep the engine running to eliminate the risk of engine damage.

The proposed layover heating system will provide a means for locomotive engines to be shut down for extended periods of time even in colder weather when those engines otherwise would have had to idle.

The funding provided by Dominion for this project will be used to install the necessary infrastructure in the Rail Yards to support the layover heating system and to outfit an estimated twelve locomotives with the equipment necessary to enable use of the layover heating system, including a battery charger. The layover heating system is a Verified Idling Reduction Technology as evaluated by EPA's Smartway Technology Program under which it is identified as a Shore Connection System for locomotives. The infrastructure to be installed at the Rail Yards will consist of the necessary power lines, poles, transformer, and a power

distribution panel that will monitor the power for electric grounds.

- C. **Benefits:** This project will result in reduced idling time and therefore reduced fuel usage, reduced emissions of PM, NO_x, VOCs and toxics, and reduced noise in an urban environment.
- D. **Costs:** Dominion shall spend \$400,000 in Project Dollars in performing this Project. The estimated portion of the total costs to be paid by Dominion for this project includes approximately \$243,000 for the heating system infrastructure at the six Rail Yards and approximately \$175,000 for the necessary compatibility equipment on twelve locomotives that will operate in and around the Rail Yards.
- E. **Performance:** Within ninety (90) days from the Date of Entry, Dominion shall enter into an agreement ("performance agreement") with NSRC requiring:
 - 1. **Completion Date:** NSRC to complete the entire Project Scope above within two years from the effective date of the performance agreement between NSRC and Dominion, provided that the local utility timely installs new service as requested by NSRC. In the event that delays caused by failure of the local utility to install the new electric service required for the layover system cause a delay in the completion of the Project Scope (despite diligent efforts on the part of NSRC to obtain that service), the two year timeline will be delayed commensurate with the delay in utility service.
 - 2. That any costs greater than the cost allotted by this Consent Decree shall be paid by NSRC for completion of the project.
 - 3. **Fuel Savings:** NSRC to submit a report to Dominion and EPA annually for two years detailing the estimated fuel savings realized due to the project. The report shall be due within sixty (60) days after the end of each year the project was implemented.
 - 4. **Final Report:** Within thirty (30) days after project completion, NSRC to submit a final report to Dominion and EPA that includes the following:
 - i. A detailed timeline of all completed construction activities for the Project.
 - ii. A breakdown of the total costs (funded and unfunded by Dominion) by NSRC to implement the Project.
 - iii. The results of implementation of the Project, including the estimated emission reductions or other environmental benefits achieved.
 - iv. A description of any significant problems that occurred during implementation of the Project and how they were overcome.

- F. **Project Completion Report:** In addition to the information required by Section II of this Appendix, Dominion's project completion report for this Project shall include the following:
1. A detailed timeline of all completed construction activities for the Project.
 2. A breakdown of the total costs (funded and unfunded by Dominion) by NSRC to implement the Project.
 3. A description of any significant problems that occurred during implementation of the Project and how they were overcome.

VI. Lake Michigan Watershed and Indiana Dunes National Lakeshore Land Acquisition and Restoration Project(s)

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall submit a Project Plan to EPA for review and approval for the use of up to \$2,500,000 in Project Dollars for acquisition and restoration of lands that are part of, adjacent to, or near the Indiana Dunes National Lakeshore and have an ecological or environmental significance to the ecosystems in the Lake Michigan Watershed of Lake and Porter Counties in the State of Indiana. The Project Dollars for this project are in addition to the funding described in Section I of this Appendix (Forest Service/Park Service Mitigation).
- B. The goal of this Project is the protection through acquisition and/or restoration of ecologically significant land, watersheds, vegetation, and forests using adaptive management techniques designed to improve ecosystem health and mitigate harmful effects from air pollution. In addition the funding shall be used to provide for public use of acquired areas in a manner consistent with the ecology of the area.

For purposes of this Appendix and Section IX (Environmental Mitigation Projects) of this Consent Decree, land acquisition means purchase of interests in land, including fee ownership, easements, or other restrictions that run with the land that provide for the perpetual protection of the acquired land. Restoration may include (but is not limited to), reforestation or revegetation (using plants native to the area) and/or removal of non-native, invasive plant species. Any restoration action must incorporate the acquisition of an interest in the restored lands sufficient to ensure perpetual protection of the restored land.

- C. In addition to the information required by Section II of this Appendix, the Project Plan shall include:

1. A general description of the areas proposed to be acquired or restored, including a map clearly identifying the location of the land relative to the decommissioned State Line Power Station and all city, state, or federal publically protected lands/parks in the area surrounding the proposed land to be acquired/restored.
 2. A justification of why the area should be considered ecologically and/or environmentally significant and warrants preservation and/or restoration.
 3. A description of the projected cost of the land acquisition and/or restoration.
 4. Identification of any person or entity(s) other than Dominion that will be involved in the land acquisition and restoration. Dominion shall describe the third-party's roles in the action and the basis for asserting that such entity is able and suited to perform the intended role. Any proposed third-party must be legally authorized to perform the proposed action or receive Project Dollars.
 5. A schedule for completing and funding each portion of the project.
- D. Upon EPA's approval of the Project Plan, Dominion may transfer up to \$2,500,000 of Project Dollars to one or more land acquisition funds, such as Save the Dunes Conservation Fund, for partial or full implementation of the land acquisitions and restorations described in the Project Plan.
- E. Performance: All Project Dollars shall be expended in accordance with subsections A through C above and within two years of entry of the Consent Decree.
- F. Project Completion Report: In addition to the information required by Section II of this Appendix, Dominion's project completion report for this Project shall include any reports related to this Project that Save the Dunes or applicable third party fund or organization provided to Dominion.

VII. Energy Efficiency Project for South Fork School District in Kincaid, Illinois

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall submit a Project Plan to EPA for review and approval to spend a maximum of \$200,000 in Project Dollars to implement and complete an Energy Efficiency/Weatherization project to reduce the energy demand in one or more of the schools that make up the South Fork School District 14 in the town of Kincaid, Illinois, which are in the Kincaid Generation power station service area. The project may

include (1) the replacement of leaking windows and entrance doors at the high school and gym and (2) weatherization of the high school building exterior.

- B. Upon EPA's approval of the Project Plan for the Energy Efficiency Project for South Fork School District, Dominion shall implement the Project according to the approved plan.
- C. Completion Date: The entire Project above shall be completed within three (3) years from the Date of Entry, except that Dominion may request an extension of time to complete the project if it appears likely that all Project Dollars will not be spent within such three year period despite Dominion's best efforts to implement the Project within such period.

VIII. Energy Efficiency and Geothermal Projects for the Central Illinois FoodBank

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall submit a Project Plan to EPA for review and approval to spend a maximum of \$750,000 in Project Dollars to implement and complete the Energy Efficiency/Weatherization and Geothermal Projects that will reduce the energy demand at the new FoodBank location in Springfield, Illinois. The Central Illinois FoodBank covers 21 counties in central Illinois and distributes over eight million pounds of food a year to more than 150 food pantries in its service territory.
- B. The Energy Efficiency/Weatherization Project may include (1) a new energy efficient freezer/cold storage area (approximately 10,000 sq. ft), (2) new energy efficient, motion activated lighting, and (3) motion-activated, insulated loading-dock doors.
- C. The Geothermal Project shall include the purchase and installation of a geothermal heat pump system that utilizes the earth as a heat source in the winter and a heat sink in the summer to reduce energy consumption. The geothermal heat pump system shall include the equipment necessary to support the installation and operation of a geothermal heat pump, including the exterior building components (e.g., well field holes, subsurface piping, and circulation pumps), the heat pump unit (evaporator and condenser, compressor, expansion valve and refrigerant) and any internal building components (e.g., HVAC distribution system and ductwork) necessary for the proper operation of the new system. The Project shall include funding for system commissioning and performance optimization within the first year of system operation. The Project shall also include funding to restore the project site, particularly the well field to its original or near-original condition.

System Application and Design: The Project shall be limited to serving space heating and cooling building loads, with the option to add a desuperheater to the project to serve hot water loads when practical. Prior to the design modeling of the system and production loop installation, the contractor/project designer shall conduct an in-situ formation thermal conductivity test for ambient deep earth temperature, thermal conductivity, and thermal diffusivity, for a minimum of 40 hours to assess the subsurface soil conditions. (The contractor/project designer shall provide the building owner with copies of the related site drilling logs, soil sample documentation and in-situ thermal conductivity analyses). The contractor/project designer shall employ quality assurance measures to prevent "short looping" of well field bore holes during the drilling process.

Contractor/Project Designer Selection: The Project's design, installation and system commissioning shall be performed by International Ground Source Heat Pump Association (IGSHPA) professionals or by other professionals certified by geothermal manufacturers to design and/or install the manufacturers' systems. Best efforts shall be made to select project designers and installers (including engineers, architects, and bore hole drillers) with experience on at least three successful geothermal projects.

Manufacturer, Equipment and System: Heat pumps should be Air-Conditioning, Heating and Refrigeration Institute (AHRI) and Energy Star rated. Heat pumps should meet the minimum EER and COP ratings required by Energy Star at the time the heat pumps are installed. The system shall include the installation of monitoring equipment to allow facility managers and staff to monitor the operation and performance of the system.

Maintenance: The Project may include the establishment of an escrow account for the FoodBank to maintain and/or replace the heat pump unit or other elements of the system, or may otherwise include funding or pre-payment for an extended warranty or service contract for such maintenance/replacement.

End-user Documentation and Training Requirements: The project developer/contractor shall provide the FoodBank with:

- System design drawings including a map detailing the subsurface location of well field bore holes;
- Copies of permits and inspections demonstrating compliance with local codes;
- Copies of the drilling logs, soil sample documentation and in-situ thermal conductivity analysis;
- Copies of simulated design and financial performance (energy and cost

- saving) analyses of the system;
 - System documentation including, system maintenance and operational requirements, component manuals, operation manuals and warranty information; and
 - In-person, on-site, system operation user training.
- D. In addition to the information required by Section II.D of this Appendix, the Project Plan for this project shall:
1. Describe how Dominion and/or the project developer/contractor(s) will meet the requirements set forth in Subparagraphs B and C of this Section;
 2. Describe the proposed geothermal system design (e.g., a closed loop design with either horizontal or vertical loop well fields, a standing column well, or station surface sources); and
 3. Identify the contractor/project designer(s) and/or other third parties with whom Dominion and/or the FoodBank will contract or partner with to implement the Project, and list any relevant accreditations or certifications held by such contractor/designer(s) or parties.
- E. Completion Date: The entire Project above shall be completed within three (3) years from the Date of Entry, except that Dominion may request an extension of time to complete the project if it appears likely that all Project Dollars will not be spent within such three year period despite Dominion's best efforts to implement the Project within such period.

IX. Illinois Clean Diesel Project

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall submit a Project Plan to EPA for review and approval for the completion of an Illinois Clean Diesel Project in which Dominion shall spend \$500,000 in Project Dollars to fund retrofit, replacement or repowering of busses in the Chicagoland and Kincaid areas.

The Project Plan may provide for transfer of funds to the Illinois EPA Clean Diesel Grant Program, which administers a grant program that provides grants for heavy-duty natural gas or propane-powered trucks and buses. The stated goal of this program is "to reduce particulate matter emissions and other pollutants from diesel-powered vehicles and to improve public health." See <http://www.illinoisgreenfleets.org/clean-diesel-grant/diesel-fact-sheet.pdf>.

- B. Completion Date: The Project above shall be completed within three (3) years from the Date of Entry, except that Dominion may request an extension of time

to complete the project if it appears likely that all Project Dollars will not be spent within such three year period despite Dominion's best efforts to implement the Project within such period.

X. Northern Indiana Clean Diesel Project

- A. Consistent with the requirements of Section II of this Appendix, Dominion shall submit to EPA a Project Plan for the completion of the Indiana Clean Diesel Project in which Dominion shall spend \$500,000 in Project Dollars to fund clean air projects that will significantly reduce diesel emissions from diesel engines and vehicles that serve public needs in Northern Indiana. The diesel engines and vehicles must be based and operated in or near the cities of Gary, Hammond, Michigan City, South Bend, Elkhart, and/or Fort Wayne.

The Project Plan may provide for the transfer of funds to the Indiana Department of Environmental Management's DieselWise Indiana Program, which funds clean air projects that reduce emissions from diesel engines and vehicles.

- B. Completion Date: The Project above shall be completed within three (3) years from the Date of Entry, except that Dominion may request an extension of time to complete the project if it appears likely that all Project Dollars will not be spent within such three year period despite Dominion's best efforts to implement the Project within such period.

XI. Northeast Clean Energy and Clean Diesel Projects

- A. Consistent with the requirements of Section II of this Appendix, Dominion, in consultation with the Town of Somerset and the City of Fall River ("the municipalities"), shall submit one or more Project Plans to EPA for review and approval to implement (a) Energy Efficiency, Geothermal, and/or Solar Photovoltaic ("PV") Projects at one or more public school buildings in either or both municipalities, and/or (b) Clean Diesel Project(s) to retrofit or repower higher-polluting diesel engines in either or both municipalities. The proposed Projects may include the installation of centrally-monitored digital controls and timers for heating/cooling systems in school buildings in either or both municipalities ("Energy Efficiency Project"). The proposed Projects may also include the installation of a geothermal heating and/or cooling system ("Geothermal Project"), and/or a solar photovoltaic project consisting of electricity-generating solar panels ("PV Project") for public school buildings in either or both municipalities. The Projects may also include the retrofit or repower of eligible diesel engines on diesel-powered municipal construction or public works vehicles or equipment owned or operated on a long-term basis by either or both municipalities in order to reduce diesel pollutant emissions ("Clean Diesel Retrofit and Repower Project").

- B. Dominion shall spend a maximum of \$1,600,000 in Project Dollars to implement the Energy Efficiency, Geothermal, PV, and/or Clean Diesel Retrofit and Repower Projects described in this Section, and shall complete them not later than three years after the Date of Entry, except that Dominion may request an extension of time to complete one or more of the Projects if it appears likely that, despite Dominion's best efforts, the Projects will not be completed within such three year period. The Projects shall be planned and implemented with the municipalities and with other third parties as needed. The Parties' expectation is that approximately half of the total Project Dollars will be spent in Somerset, but the final distribution will depend on the Projects (and their costs) that can be proposed and implemented within the time frames and other requirements set out in this Appendix.
- C. The Geothermal Project identified in Section XI.A shall consist of all equipment and installation necessary to construct and implement the Project at public school buildings in either or both municipalities. This Project shall be planned and implemented in accordance with the requirements for the geothermal project set out in Sections VIII.C - VIII.D above, except where local circumstances make such requirements inapplicable. In addition to the above-referenced requirements, the Project shall include the installation of onsite monitoring equipment supported by kiosk-delivered educational software to enable students, teachers, and facility managers and staff to monitor the operation and performance of the geothermal system.
- D. The PV Project identified in Section XI.A shall, at a minimum, consist of: (1) the installation of solar panels with unobstructed solar access, producing electricity not to exceed the total annual electricity base load of the building the project serves; (2) a grid-tied inverter, appropriately sized for the capacity of the solar panels installed at the location; (3) the appropriate solar panel mounting equipment for the particular school; (4) wiring, conduit, and associated switchgear and metering equipment required for interconnecting the solar generator to the utility grid; and (5) appropriate monitoring equipment supported by kiosk-delivered educational software to enable students, teachers, and facility managers and staff to monitor various aspects of the system, e.g., the total and hourly energy output of the system (kilowatt hours), environmental benefits delivered (pounds CO₂ avoided), hourly ambient temperature and cell temperature (C°), irradiance (W/M²), as well as time sensitive voltage, power and current metrics. The PV Project shall be installed on the customer side of the meter and ownership of the system shall be conveyed to the Somerset Public School system or Fall River Public School System, as appropriate. All related environmental benefits shall be retained by the system owner, including associated renewable energy certificates. To the extent practicable, North American Board of Certified Energy Practitioners (NACEP) certified energy professionals shall perform the

installation of the PV Projects to ensure the highest quality installation and performance of the system.

- E. The PV Project shall include manufacturer parts warranties for major system components, specifically, a minimum 25 year warranty for the solar panels (modules) and a minimum 10 year warranty for the inverter(s). The Project shall also include the establishment of an escrow account with funding sufficient to support one or more service contracts (or their equivalent) to ensure the ongoing maintenance and performance of the PV system consistent with established industry practice for no less than 25 years, including annual system checkups, annual solar panel (module) cleaning, expected inverter replacements, and remote system monitoring.
- F. All diesel engine retrofits conducted under the Clean Diesel Retrofit and Repower Project shall use exhaust control technologies verified either by EPA or by the California Air Resources Board (CARB), and shall consist of the purchase and installation of EPA or CARB-verified diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs) on diesel-powered municipal construction or public works vehicles or equipment. A list of EPA-verified retrofit technologies can be found at <http://epa.gov/cleandiesel/verification/verif-list.htm>; a list of CARB-verified technologies can be found at www.arb.ca.gov/diesel/verdev/vt/cvt.htm. If the Project includes DPF retrofits, the Project may also include the purchase of DPF service equipment required for proper DPF maintenance.
- G. All diesel engine repowering conducted under the Clean Diesel Retrofit and Repower Project shall use technologies certified by EPA, or by CARB if available, and shall consist of new engine configurations certified to emission standards. Information on engine certification can be found at www.epa.gov/otaq/certdata.htm.
- H. In determining which vehicles or equipment to retrofit or repower under the Clean Diesel Retrofit and Repower Project, priority should be given to older, higher-polluting vehicles and equipment that have high annual usage rates and/or vehicle miles travelled, so that the pollution reductions obtained from the Project will be maximized.
- I. The Energy Efficiency, Geothermal, and/or PV Projects plan(s) proposed by Dominion shall:
 - 1. Identify the specific proposed Projects to be implemented, and provide implementation timelines and expected completion dates for each Project;
 - 2. Describe each proposed Project's system design;

3. Identify any project designers, contractors, or other third parties with whom the municipality's school system will contract or partner with to implement the Projects, and list any relevant accreditations or certifications held by such contractors, designers or parties; and
 4. Describe the schedule and the budgetary increments in which Dominion shall provide the necessary funding to the municipality's school system or its project designers/contractors to implement the Projects.
- J. The Clean Diesel Retrofit and Repower Project plan(s) proposed by Dominion shall:
1. List the specific proposed vehicles, equipment and diesel engines to be retrofitted or repowered, including model, make and year of manufacture of the vehicles, equipment and engines (and for engines, the engine family name and horsepower), and the EPA or CARB-certified technology with which each engine will be retrofitted or repowered, and include the estimated costs (or contract costs, if available) for the equipment and installation of the proposed retrofits and repowers;
 2. Provide implementation timelines and expected completion dates for the proposed retrofits and repowers;
 3. Identify any contractors or other third parties with whom the municipality will contract or partner with to implement the Project; and
 4. Describe the schedule and the budgetary increments in which Dominion shall provide the necessary funding to the municipality and/or their contractors to implement the Projects.